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# PENNSYLVANIA BULLETIN

Volume 29

Number 31

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Pages 4035—4154

**Agencies in this issue:**

The Governor  
The Courts  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Executive Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 296, July 1999**

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**PENNSYLVANIA**



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# Contents

## THE GOVERNOR

### EXECUTIVE ORDER

Pennsylvania Justice Network (JNET) governance structure ..... 4049

### PROCLAMATION

Proclamation declaration of drought emergency in the Commonwealth and implementing measures ..... 4045

## THE COURTS

### CRIMINAL PROCEDURAL RULES

Order adopting amendments to Rule 1405; no. 248 criminal procedural rules doc. no. 2 ..... 4058

Order amending Rules 319 and 320; no. 249 criminal procedural rules doc. no. 2 ..... 4055

### DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of suspension (2 documents) ..... 4062

### JUDICIAL SYSTEM GENERAL PROVISIONS

Amendments to rules of organization and procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; doc. nos. R-116 and R-121 ..... 4053

Special Independent Prosecutor's Panel; appointment of independent counsel (2 documents) ..... 4054

### LOCAL COURT RULES

#### Somerset County

Consolidated rules of Court; no. 62 miscellaneous 1999 ..... 4060

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications ..... 4077

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Pennsylvania Rivers Conservation Registry ..... 4079

### DEPARTMENT OF EDUCATION

#### Notices

Application of Pennsylvania School of Art and Design for approval of change of status to college ..... 4079

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

*See also ENVIRONMENTAL QUALITY BOARD*

#### Notices

Applications, actions and special notices ..... 4080  
Availability of technical guidance ..... 4114  
Environmental Justice/Equity Work Group meeting ..... 4114

State Board for Certification of Sewage Treatment Plant and Waterworks Operators; special committee meeting ..... 4114

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards ..... 4153  
State contracts information ..... 4145

### DEPARTMENT OF HEALTH

#### Proposed Rulemaking

Quality health care accountability and protection ... 4064

#### Notices

Application of J.C. Blair Memorial Hospital for exception to 28 Pa. Code § 107.62(a) ..... 4116

Application of St. Francis Hospital of New Castle for exception to 28 Pa. Code § 107.32 ..... 4117

Applications for exception to 28 Pa. Code §§ 143.4 and 143.7:

Corry Memorial Hospital ..... 4115

Marian Community Hospital ..... 4116

Applications for exception to 28 Pa. Code § 571.1:

Good Samaritan Hospital ..... 4115

Hahnemann University Hospital ..... 4115

Latrobe Area Hospital ..... 4116

Memorial Hospital ..... 4117

Sewickley Valley Hospital ..... 4117

Washington Hospital ..... 4118

Wills Eye Surgery Center in South Philadelphia .. 4118

Availability of Final Maternal and Child Health Services Block Grant application for Federal Fiscal Year 2000 ..... 4118

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notices

Office of Vocational Rehabilitation; public comment on amendment to State Plan ..... 4119

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

Payments to nursing facilities; July 1, 1999 proposed rates ..... 4119

Peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities ..... 4120

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Monopoly 99 instant lottery game .... 4134

The Money Game instant lottery game (Correction) . 4135

### DEPARTMENT OF TRANSPORTATION

#### Notices

Contemplated sale of property no longer needed for transportation purposes ..... 4136

Retention of engineering firms ..... 4136

Tioga County—finding ..... 4136

---

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**ENVIRONMENTAL HEARING BOARD****Notices**

Proposed settlement under the Hazardous Sites Cleanup Act .....	4138
---	------

**ENVIRONMENTAL QUALITY BOARD****Rules and Regulations**

Antidegradation (Correction).....	4063
-----------------------------------	------

**EXECUTIVE BOARD****Statements of Policy**

Reorganization of the:	
Department of Agriculture.....	4072
Insurance Department .....	4072
State Police .....	4072

**FISH AND BOAT COMMISSION****Proposed Rulemaking**

Boat rental business; extension of public comment period.....	4064
---	------

**Notices**

Closure of:	
Colyer Lake, Centre County .....	4139
Tamarack Lake, Crawford County .....	4139
Special designations .....	4139

**INDEPENDENT REGULATORY REVIEW COMMISSION****Notices**

Notice of comments issued .....	4139
Notice of filing of final rulemakings.....	4141

**INSURANCE DEPARTMENT****Proposed Rulemaking**

Quality health care accountability and protection ...	4064
---	------

**Statements of Policy**

Motor Vehicle Financial Responsibility Law .....	4076
--	------

**Notices**

Mutual-to-stock conversion; Millers Mutual Insurance Company.....	4141
United Services Automobile Association; USAA Casualty Insurance Company; Pennsylvania Personal Auto Manual; rate filing .....	4141

**LIQUOR CONTROL BOARD****Notices**

Expiration of leases.....	4142
---------------------------	------

**PENNSYLVANIA PUBLIC UTILITY COMMISSION****Notices**

Elephant Walk Sewer Company—wastewater service .....	4143
Elephant Walk Water Company—water service .....	4144
Service of notice of motor carrier applications.....	4142

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1999.

## 1 Pa. Code (General Provisions)

### Adopted Rules

101	3349
201	3349
301	3349
303	3349
305	3349
307	3349
309	3349
311	3349
313	3349
315	3349

### Proposed Rulemaking

101	980
201	980
301	980
303	980
305	980
307	980
309	980
311	980
313	980
315	980

## 4 Pa. Code (Administration)

### Adopted Rules

5	2570, 2762
6	2572, 4049
7	806, 3066
116	3201
117	3205

### Proposed Rulemaking

120b	1719
120c	1721
120d	1717

### Statements of Policy

9	207, 457, 574, 1230, 2034, 2302, 2681, 3216, 3633, 4072
---	---

## 7 Pa. Code (Agriculture)

### Proposed Rulemaking

130c	1496
130d	1496
151	3215

### Statements of Policy

137a	3072
------	------

## 10 Pa. Code (Banks and Banking)

### Statements of Policy

21	3000
----	------

## 12 Pa. Code (Community and Economic Development)

### Proposed Statements of Policy

31	1725
----	------

### Statements of Policy

31	2859
----	------

## 16 Pa. Code (Community Affairs)

### Proposed Rulemaking

45	3895
----	------

## 22 Pa. Code (Education)

### Adopted Rules

3	399
4	399
5	399
6	399

### Proposed Rulemaking

354	3363
-----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

93 (with corrections)	3720, 4063
95	3720
109	2231
121	1879
129	1879, 1889
260	2367
260a (with correction)	2367, 2576
261	2367
261a	2367
262	2367
262a	2367
263	2367
263a	2367
264	2367
264a	2367
265	2367
265a	2367
266	2367
266a	2367
266b	2367
267	2367
268a	2367
269	2367
269a	2367
270	2367
270a	2367
901	3839

### Proposed Rulemaking

72	979
86	548
91	2145
92	455
93	455
95	455
97	2145
101	2145
121	1214, 1299
123	1214, 1319
129	1299
139	1299
145	1319
261	1975
266	1975
287	1975
298	1975
901	647
1021	1074, 1214, 1612



**28 Pa. Code (Health and Safety)****Adopted Rules**

8	3841
201	3999
203	3999
205	3999
207	3999
209	3999
211	3999
1101	3841
1103	3841
1105	3841
1107	3841
1109	3841
1111	3841
1113	3841

**Proposed Rulemaking**

4	2671
18	820
911	332
912	332
1001	903
1003	903
1005	903
1007	903
1009	903
1011	903
1013	903
1015	903
Unclassified	4064

**31 Pa. Code (Insurance)****Adopted Rules**

84	3208
89	172
125	3209

**Proposed Rulemaking**

62	655
89	650
154	4064
301	4064

**Statements of Policy**

38	3085
68	4076

**34 Pa. Code (Labor & Industry)****Adopted Rules**

121	2649
-----	------

**Proposed Rulemaking**

123	3161
125	3161
129	3161

**37 Pa. Code (Law)****Proposed Rulemaking**

93	1513
95	1504

**49 Pa. Code (Professional and Vocational Standards)****Adopted Rules**

5	2294
15	2295
31	1392
36	1393, 1610
37	2857
41	2296

**Proposed Rulemaking**

11	1613
21	2299
23	2300
25	1613
27	1088
31	1897
33	1895
35	565
37	1897
39	662, 2582
40	1615
41	2145
42	1896, 3070
47	1897

**Statements of Policy**

39	1617
----	------

**51 Pa. Code (Public Officers)****Adopted Rules**

31	3868
33	3868
35	3868
37	3868
39	3868
41	3868
43	3868
45	3868

**Proposed Rulemaking**

31	548
33	548
35	548
37	548
39	548
41	548
43	548
45	548

**52 Pa. Code (Public Utilities)****Adopted Rules**

57	2667
59	2667

**Proposed Rulemaking**

57	2025
59	1515
64	2779
Unclassified	1895

**Statements of Policy**

69	2034, 2147, 2495
----	------------------

**Proposed Statements of Policy**

41	1617
69	1617

**55 Pa. Code (Public Welfare)****Adopted Rules**

165	271
168	271
183	271
3040	271
3130	3295
3480	3513
3490	3513
3680	3295
3710	3295
3800	3295
3810	3295

5310 .....	3295
6400 .....	3295

**Proposed Rulemaking**

258 .....	3888
-----------	------

**Statements of Policy**

1187 .....	3218
------------	------

**58 Pa. Code (Recreation)****Adopted Rules**

51 .....	3210
53 .....	1068
61 .....	819, 3626
63 .....	2298, 3211, 3212, 3629
65 .....	1069, 3210, 3212, 3626
75 .....	819, 3210
91 (correction) .....	3213, 3362
93 .....	1068
109 .....	1068
111 .....	1070, 3210
133 .....	1071
135 .....	3734
139 (with correction) .....	2454, 2576, 2999
141 .....	2458, 3886
143 (with correction) .....	2458, 2577
145 .....	1071
147 .....	1071, 1072

**Proposed Rulemaking**

51 .....	1224
61 .....	1085
63 .....	205, 822, 823, 1397
65 .....	823, 1224, 3631
69 .....	3369
75 .....	1087, 1515
99 .....	2680
111 .....	1224, 3370
115 .....	3370
117 .....	2678, 4064
131 .....	2578
135 .....	2578, 2581
139 .....	1225, 1397
141 .....	1398, 2580
143 .....	1398

**61 Pa. Code (Revenue)****Proposed Rulemaking**

31 .....	3738
55 .....	3736
60 .....	3736

**Statements of Policy**

94 .....	2037
125 .....	2037

**64 Pa. Code (Securities)****Adopted Rules**

202 (with correction) .....	202, 547
206 (with correction) .....	202, 547
302 (with correction) .....	202, 547
606 (with correction) .....	202, 547
609 (with correction) .....	202, 547
610 (with correction) .....	202, 547

**Proposed Rulemaking**

202 .....	3898
203 .....	3898
204 .....	3898
205 .....	3898
207 .....	3898

209 .....	3898
211 .....	3898
504 .....	3898
603 .....	3898
606 .....	3898
609 .....	3898

**67 Pa. Code (Transportation)****Adopted Rules**

175 .....	2460, 2577
-----------	------------

**Proposed Rulemaking**

17 .....	3894
173 .....	1612
175 .....	1612, 3894

**70 Pa. Code (Weights, Measures and Standard)**

1 .....	2460
2 .....	2460
3 .....	2460
4 .....	2460
5 .....	2460
6 .....	2460
7 .....	2460
8 .....	2460
9 .....	2460
10 .....	2460
21 .....	2460
35 .....	2460

**Statement of Policy**

39 .....	2460
----------	------

**201 Pa. Code (Rules of Judicial Administration)****Adopted Rules**

3 .....	3713
5 .....	3189
7 .....	2766
50 .....	1709

**204 Pa. Code (Judicial System General Provisions)****Adopted Rules**

29 .....	3833
71 .....	2143, 2855
82 .....	809
91 .....	2021, 4053
93 .....	4053
211 .....	3834
215 .....	977, 4053

**Proposed Rulemaking**

83 .....	2663
----------	------

**207 Pa. Code (Judicial Conduct)****Adopted Rules**

5 .....	1487
21 .....	645

**210 Pa. Code (Appellate Procedure)****Adopted Rules**

21 .....	544
35 .....	544
39 .....	1487
67 .....	1360

**Proposed Rulemaking**

3 .....	1709, 2766
5 .....	2441
9 .....	2441
15 .....	2441
21 (with correction) .....	2441, 2767

**225 Pa. Code (Rules of Evidence)****Adopted Rules**

Unclassified ..... 1712

**Proposed Rulemaking**

Article I ..... 2262  
 Article IV ..... 2263  
 Article VI ..... 2262, 2264  
 Article VIII ..... 2265

**231 Pa. Code (Rules of Civil Procedure)****Adopted Rules**

100 ..... 2266, 2767  
 200 ..... 449, 2266, 2767, 3189  
 400 ..... 2767, 3189, 3191  
 1000 ..... 2266, 2767, 3191  
 1300 ..... 2266, 3191  
 1500 ..... 2274  
 1600 ..... 2274  
 1650 ..... 2274  
 1700 ..... 2274  
 1910 (with correction) ..... 16, 645, 2767, 3191  
 1930 ..... 2767  
 2000 ..... 2274  
 2020 ..... 2274  
 2054 ..... 2767  
 2120 ..... 2274  
 2200 ..... 2274  
 2220 ..... 2274  
 2250 ..... 2274  
 2300 ..... 2274, 3191  
 2320 ..... 2274  
 2350 ..... 2274  
 2950 ..... 2767, 3191  
 2970 ..... 1715, 2767, 3191  
 2980 ..... 2274  
 3000 ..... 2281, 2767, 3191  
 4000 ..... 1715, 2281, 2767  
 Part II ..... 327, 329, 1494

**Proposed Rulemaking**

200 ..... 15, 168, 169  
 400 ..... 169  
 1000 ..... 3714  
 1910 ..... 1487  
 Part II ..... 1709, 2766

**234 Pa. Code (Rules of Criminal Procedure)****Adopted Rules**

50 ..... 2774, 2776, 3716  
 300 ..... 4055  
 350 ..... 3069

1100 ..... 2289, 2777  
 1400 ..... 3835, 4058

**Proposed Rulemaking**

1 ..... 1360  
 2 ..... 1360  
 3 ..... 1360  
 4 ..... 1360  
 5 ..... 1360  
 6 ..... 1360  
 7 ..... 1360  
 8 ..... 1360  
 9 ..... 1360  
 10 ..... 1360  
 11 ..... 1360  
 20 ..... 1360, 2664  
 30 ..... 1360  
 50 ..... 1360, 1385, 2770  
 100 ..... 1360, 2444  
 200 ..... 1360, 2444  
 300 ..... 1360, 2444  
 1100 ..... 1360, 2444  
 1400 ..... 1360  
 1500 ..... 1360  
 1600 ..... 1360  
 1700 ..... 1360  
 2000 ..... 1360  
 4000 ..... 1360  
 6000 ..... 1360, 2444  
 9000 ..... 1360

**237 Pa. Code (Juvenile Rules)****Statements of Policy**

201 ..... 3633

**246 Pa. Code (Minor Court Civil Rules)****Adopted Rules**

100 ..... 3198  
 300 ..... 3198

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 544, 545, 2964

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 17, 1387

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 19, 24, 171, 330, 449, 453, 454, 809,  
 977, 978, 1067, 1388, 1389, 1390,  
 1495, 1853, 1873, 2143, 2575, 2855,  
 2995, 2996, 2997, 3069, 3199, 3348,  
 3622, 3719, 4060

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation Declaration of Drought Emergency in the Commonwealth and Implementing Measures

*Whereas*, a long and continuing period of unusually dry weather, abnormally low stream flows, and reduced groundwater levels have resulted in shortages of water supplies within Pennsylvania; and

*Whereas*, in accordance with criteria established by the Commonwealth Emergency Operations Plan for natural resource shortages, a review of climatic, hydrologic, and water supply conditions indicate the existence of a drought and water shortage emergency in Pennsylvania; and

*Whereas*, these conditions and water shortages may endanger the health, safety, and welfare of a significant number of Pennsylvania citizens, threaten our natural resources, and have created and threaten to create problems greater in scope than municipal and county governments alone may resolve; and

*Whereas*, conservation measures are necessary to reduce the severity of these water shortfalls and to protect the health, safety, and welfare of affected citizens in Pennsylvania;

*Therefore*, I, Tom Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution, the Emergency Management Services Code, 35 Pa.C.S.A. Section 7101 et seq., as amended, and other laws of the Commonwealth, do hereby declare, order, direct, and certify as follows:

1. A state of drought and water shortage emergency exists in all of the following counties: Adams, Allegheny, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Lackawanna, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Washington, Wayne, Westmoreland, Wyoming, and York. These counties constitute the designated drought emergency area.

2. I hereby transfer up to \$500,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for drought-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this drought emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code. Act of May 15, 1998, P. L. 358, No. 57, § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

3. During the period of this drought and water shortage emergency, the Pennsylvania Emergency Management Agency and Pennsylvania Emergency Management Council are authorized and directed to do the following:

a. implement the regulations set forth in 4 Pa. Code Chapters 118, 119, and 120, consistent with the provisions of the Pennsylvania Emergency Operations Plan and all other applicable state, county, and municipal disaster emergency management plans;

b. prohibit and restrict nonessential uses of water;

c. require the submission of drought and water shortage contingency plans by public water supply agencies located within the designated drought emergency area in cooperation with the governing body of each political subdivision where they provide services;

d. provide for contingency plans to conserve water and energy through the reduction of major water uses, where necessary, within the designated drought emergency area in Pennsylvania;

e. require the development and adoption of local water rationing plans, as defined in 4 Pa. Code Chapter 120, by water purveyors, public water supply agencies and governing bodies of political subdivisions within the designated drought emergency area, when deemed necessary to meet local conditions; and

f. require the development and adoption of contingency plans by self supplied commercial and industrial water risers in cooperation with local governing bodies that will provide for the reduction of major water users where necessary, through the mandatory implementation of specific water conservation measures within the designated drought emergency area.

4. The Pennsylvania Department of Environmental Protection is authorized to issue orders or take other appropriate actions to do the following:

a. order temporary modification of conditions in existing water withdrawal permits, including restrictions in the timing or quantity of water use;

b. supervise the storage and release of water in public and private reservoir facilities subject to State regulation;

c. require emergency and permanent interconnection of public and private water systems and prescribe the delivery of water through such interconnections;

d. regulate the diversion and withdrawal of water in the designated drought emergency area in excess of such quantities as may be prescribed by order or regulation, including the establishment of requirements for emergency withdrawal permits; and

e. cooperate with the Pennsylvania Emergency Management Agency and Federal agencies responsible for operation of Federal Reservoir facilities to develop and implement emergency schedules for storage and release of water.

5. The Pennsylvania Emergency Management Agency, the Department of Environmental Protection, the Department of Military and Veterans Affairs, the Public Utility Commission, and all other agencies of the Commonwealth are authorized, ordered and directed to adopt and enforce such rules, regulations or orders as necessary to carry out their respective responsibilities and functions under this Proclamation, to adopt, amend and enforce such rules, regulations or orders under their respective statutory authorities as may be reasonably necessary to assist in responding to this water shortage, and to cooperate with all applicable River Basin Commissions in implementing and enforcing the drought and water shortage emergency orders and measures undertaken by those Commissions.

6. The Commonwealth Drought Coordinator, appointed under the provisions of the Commonwealth Emergency Operations Plan, is authorized and directed to carry out all functions, duties and responsibilities specified by the Plan and this Proclamation, and generally to assist the Pennsylvania Emergency Management Agency in coordinating and directing State Agency response to the drought emergency. The Pennsylvania Emergency Management Council shall review the actions of the Commonwealth Drought Coordinator.

7. Each public water supply agency located within the designated drought emergency area is hereby directed to develop a contingency plan in cooperation with the local governing body where it provides services in order

to balance demand and available supplies and to assure that sufficient water is available to preserve public health and safety. The contingency plan shall establish equitable water use restrictions for residential, commercial, industrial and other water uses together with appropriate implementing arrangements. The contingency plan must be completed and submitted to the Department of Environmental Protection within thirty (30) days of the date of this Proclamation. If a public water supply agency has a contingency plan, it shall review the plan in cooperation with the local governing body for coordination purposes. The plan review shall be completed within thirty (30) days of the date of this Proclamation and the Department of Environmental Protection notified of such action.

8. The Pennsylvania Emergency Management Agency is directed to activate and coordinate state agencies and intergovernmental compliance and conservation efforts. The Pennsylvania Emergency Management Council is authorized to adopt and promulgate Local Water Rationing Plans, in accordance with the following:

a. As part of its drought contingency plan, each public water supply agency or water purveyor located within the designated drought emergency area is hereby authorized to develop a Local Water Rationing Plan in cooperation with the local governing body as may be necessary to balance demand and available supplies and to assure that sufficient water is available to preserve public health and safety. The Local Water Rationing Plan, as described in 4 Pa. Code Chapter 120, may:

(1) prohibit nonessential water uses, and

(2) establish equitable water use restrictions for residential, commercial, industrial and other water uses together with appropriate implementing arrangements.

b. Each public water supply agency located within the designated drought emergency area may prepare and submit its Local Water Rationing Plan, as part of its contingency plan to the local governing body in which it supplies water. The local governing body shall review and finalize concurrence of the Rationing Plan and contingency plans as required by Paragraph 7 above, and shall submit the plan to the Pennsylvania Emergency Management Council for its review and approval within thirty (30) days of the date of this Proclamation.

c. Any measures, rules, restrictions or orders contained in a Local Water Rationing Plan that may be developed by public water supply agencies and/or political subdivisions, pursuant to this Proclamation, shall be enforceable only upon submission to and adoption by the Pennsylvania Emergency Management Council, without limitation on any other remedies which may be available for noncompliance with such measures, rules, restrictions and orders.

d. It shall be the duty of every person in, or doing business in, the designated drought emergency area; the officers, agencies and employees of every public water supply agency; the members of the governing bodies and the officials, agents and employees of every political subdivision in the designated drought emergency area; and the officers and employees of all State agencies, to cooperate fully in all matters concerning this water shortage, and faithfully to exercise their respective duties and responsibilities to respond to the water shortage as set forth in this Proclamation and each Local Water Rationing Plan which may be developed.

9. For the purpose of promulgating or amending rules, regulations, and Local Water Rationing Plans authorized and directed by this Proclamation, such rules, regulations and plans may be adopted and rendered effective pursuant to the expedited procedures in sections 203 and 204 of the Commonwealth Documents Law Act of July 31, 1968, P. L. 769, No. 240, as

amended, 45 P. S. §§ 1203, 1204) (relating to omission of proposed rulemaking) and pursuant to the emergency procedures provided by Section 6(b) of the Regulatory Review Act (Act of June 25, 1982, P. L. 633, No. 181, as amended, 71 P. S. § 745.6(b)).

10. Any rule, regulation, contingency plan, or Local Water Rationing Plan adopted pursuant to this Proclamation may be amended, relaxed, suspended or repealed pursuant to the same procedures set forth in this Proclamation and without regard to said statutes, regulations and executive orders, if compliance with such procedures is impracticable, would impose unnecessary hardships, or would be unnecessary or contrary to the public interest.

11. If any provision of the Public Utility Code or any other statute, administrative order, rule or regulation relating to operation and management of water supplies is inconsistent with the requirements of this Proclamation or any rule, regulation, contingency plan, Local Water Rationing Plan or order issued pursuant hereto, or if strict compliance with such provisions would prevent, hinder or delay necessary action to cope with the emergency, then such provision is hereby suspended for the duration of this Proclamation.

12. For purposes of undertaking effective response to the drought and water shortage emergency and to allow for expedited development of emergency replacement of supplemental water supplies and to protect against possible energy shortages, the Department of Environmental Protection, Department of Health, Public Utility Commission, Pennsylvania Infrastructure Investment Authority and Department of Community and Economic Development are authorized to issue such emergency permits or approvals as required by law, without regard to the procedures set forth in the Act of February 17, 1984 (P. L. 75, No. 14) (71 P. S. § 510-5) or to any other applicable statute, regulation or executive order, if compliance with such procedures is impracticable or would be contrary to the public interest.

13. All residents of the Commonwealth are urged to conserve water on a voluntary basis and to comply with water use restrictions requested or imposed by the public water supply agencies servicing their areas in order to prevent further water shortages.

14. All county commissioners of counties located within the designated drought emergency area shall establish a drought management task force within their county. The county task force shall coordinate, monitor, and manage all drought reporting and response activities and water conservation measures undertaken within their county as necessary to ensure the provision of safe and reliable drinking water sources. The county task forces shall be comprised of county emergency management officials, public water supply agency representatives, elected officials, health officials, fire officials, law enforcement officials, affected business and industry representatives and others as the county may determine. The county commissioners will monitor, coordinate, initiate and report to the Pennsylvania Emergency Management Council on county task force activities to include but not limited to public information, planning, water system vulnerabilities, enforcement coordination, fire protection, and other areas of public concern.

15. The Pennsylvania State Police, all local law enforcement departments, county and state fire marshals, other state employees with law enforcement authority and public water supply agencies shall assist the Pennsylvania Emergency Management Council and all affected political subdivisions within the designated drought emergency area, in the enforcement of the various water use restrictions, Local Water Rationing Plans and other measures that are implemented under this Proclamation.

16. This Proclamation shall take effect immediately.

*Given under my hand and the Seal of the Governor, at the City of Harrisburg, this twentieth day of July in the year of our Lord, one thousand nine hundred and ninety-nine and of the Commonwealth, the two-hundred and twenty-fourth.*



*Governor*

[Pa.B. Doc. No. 99-1216. Filed for public inspection July 30, 1999, 9:00 a.m.]

## **Title 4—ADMINISTRATION**

### **PART I. GOVERNOR'S OFFICE**

**[4 PA. CODE CH. 6]**

**[Executive Order 1999-4]**

#### **Pennsylvania Justice Network (JNET) Governance Structure**

June 8, 1999

*Whereas*, on March 9, 1995, the Improve Management and Cost Control Task Force ("IMPACCT") was established to survey and examine the administrative organization and operations of state agencies in order to secure greater administrative and program efficiency and economy; and

*Whereas*, Sections 501 and 502 of The Administrative Code of 1929 (71 P.S. §§ 181 and 182) require administrative departments and several independent and departmental administrative boards to coordinate their work and activities with other departments, boards, and commissions; and

*Whereas*, historically, justice information systems in the Commonwealth have been fragmented secondary to the development of independent, autonomous information systems designed to address agency-specific operational needs; and

*Whereas*, the Governor's Office of Administration initiated the Integrated Criminal Justice (ICJ) Project in January 1996 for the purpose of developing a strategic vision for the sharing of electronic information between justice and justice-affiliated agencies in order to improve operating efficiencies and enhance public safety throughout the Commonwealth; and

*Whereas*, in May 1997, the Governor's Office of Administration formed a steering committee of agency representatives from the 10 justice and justice-affiliated agencies to develop and implement an initial blueprint for the Justice Network (JNET) Project; and

*Whereas*, the purpose of this Executive Order is to create and formalize the JNET Governance Structure for the Commonwealth's Justice Network to include the JNET Executive Council, the JNET Steering Committee, and the JNET Office; and

*Whereas*, the establishment of a JNET Governance Structure will facilitate the development of a cost-effective, integrated justice information system that maximizes standardization of information and communications technology across the Commonwealth's justice and justice-affiliated agencies and, thereby, improves public safety.

*Now, Therefore*, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of



the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Pennsylvania Justice Network (JNET) Governance Structure. By so doing, I invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the development and operation of the JNET System specifically with respect to the Commonwealth's overall duty to ensure public safety.

#### **Annex A**

### **TITLE 4. ADMINISTRATION**

#### **PART I. GOVERNOR'S OFFICE**

### **CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**

#### **Subchapter C. PENNSYLVANIA JUSTICE NETWORK (JNET) GOVERNANCE STRUCTURE**

Sec.	Purpose.
6.21.	JNET Governance Structure.
6.22.	Executive Council.
6.23.	JNET Steering Committee.
6.24.	JNET Office.

#### **§ 6.21. Purpose.**

The purpose of the JNET Governance Structure is to establish a strategic direction for the investment in information solutions across this Commonwealth's technology enterprise and to direct implementation of a comprehensive integrated justice information system.

#### **§ 6.22. JNET Governance Structure.**

The JNET Governance Structure consists of an Executive Council, a Steering Committee and a JNET Office. Each entity is responsible for fulfilling specific activities, as outlined in this subchapter, necessary to support the JNET Project.

#### **§ 6.23. Executive Council.**

The JNET Executive Council is responsible for establishing an overall policy and strategic vision for the JNET Project. This vision should complement agency operations and ensure ongoing interagency cooperation and collaboration.

##### *(1) Composition.*

(i) The JNET Executive Council is comprised of chief executives from the justice and justice-affiliated organizations identified in this subparagraph. Given the significance of the JNET Project to the administration's overall public safety initiatives, participants are required to regularly represent their respective agencies at Council meetings. Given the significance of the JNET Project to the Administration's overall public safety agenda, if the participant on the JNET Council is not the chief executive, the designee shall serve as a high-level decision-maker from the agency.

- (A) Department of Corrections.
- (B) Pennsylvania State Police.
- (C) Board of Probation and Parole.
- (D) Commission on Crime and Delinquency.
- (E) Board of Pardons.
- (F) Juvenile Court Judges' Commission.
- (G) Department of Public Welfare.
- (H) Department of Transportation.
- (I) Governor's Policy Office.
- (J) Governor's Office of Administration.
- (K) Office of the Budget.
- (L) Office of General Counsel.
- (M) Office of Inspector General.

(N) Administrative Office of Pennsylvania Courts.

(O) Office of Attorney General.

(ii) Although participation on the JNET Executive Council by justice entities outside the Executive Branch, or outside the Governor's jurisdiction, cannot be required by Executive Order, representation by the Administrative Office of the Pennsylvania Courts and the Office of Attorney General is seen to be critical to the success of the JNET Project, and is strongly encouraged. As with the other JNET Executive Council appointments, non-Executive branch agencies will be required to select a permanent designee, who will represent the agency at all JNET Executive Council meetings.

(2) *Chairperson.* The Governor will designate, to serve at his pleasure, one person from the Council membership as chairperson of the JNET Executive Council for the purposes of convening meetings and conducting business.

#### **§ 6.24. JNET Steering Committee.**

The JNET Steering Committee shall establish a tactical plan for the deployment of JNET Project functionality and associated information sharing requirements. Policies set forth by the Steering Committee shall reflect the means by which participating agencies shall share data stored in agency-specific information systems to maximize access to, and the use of, existing databases and platforms.

(1) *Composition.* The JNET Steering Committee shall include representatives from the following agencies as selected by the agency heads:

- (i) Pennsylvania State Police.
- (ii) Department of Corrections.
- (iii) Board of Probation and Parole.
- (iv) Board of Pardons.
- (v) Juvenile Court Judges' Commission.
- (vi) Commission on Crime and Delinquency.
- (vii) Department of Public Welfare.
- (viii) Department of Transportation.
- (ix) Office of Attorney General.
- (x) Administrative Office of Pennsylvania Courts.
- (xi) Governor's Policy Office (ex-officio member).
- (xii) Governor's Office of Administration (ex-officio member).
- (xiii) Governor's Office of the Budget (ex-officio member).
- (xiv) Office of General Counsel (ex-officio member).
- (xv) Office of Inspector General (ex-officio member).

(2) *Chairperson.* In consultation with the JNET Executive Council, the Governor's Office of Administration will designate the JNET Steering Committee Chairperson from one of the justice agencies with permanent representation on the JNET Steering Committee. Given the chairperson's nonvoting status, his "agency of origin" will be permitted to appoint another representative to serve on the Steering Committee as a voting member.

#### **§ 6.25. JNET Office.**

The JNET Office will be managed by an Executive Director, who will direct day-to-day management, development and implementation of the JNET Project.

(1) *Composition.* The Executive Director, in consultation with the Office of Administration's Office of Personnel Services and the JNET Steering Committee, shall determine the appropriate staffing levels and associated classifications necessary to support JNET Office operations.

(2) *Organizational location.* The JNET Office is located within the Office of Administration, Office for Information Technology, and reports to the Deputy Secretary for Information Technology. JNET Office priorities shall be established by the JNET Steering Committee within the overall strategic direction set forth by the JNET Executive Council.

A handwritten signature in black ink, reading "Tom Ridge". The signature is fluid and cursive, with a long horizontal stroke at the end.

*Governor*

**Fiscal Note:** GOV 99-6. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-1217. Filed for public inspection July 30, 1999, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Doc Nos. R-116 and R-121

#### Order No. 54

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By two Orders dated April 9, 1998, the Supreme Court of Pennsylvania (i) amended Pa.R.D.E. 219 to require attorneys to agree to venue in suits by the Pennsylvania Lawyers Fund for Client Security (No. 411, Disciplinary Docket No. 3); and (ii) amended Pa.R.D.E. 301 relating to disabled attorneys to modernize its terminology and clarify its procedures (No. 412, Disciplinary Docket No. 3).

By this Order, the Board is making conforming changes to its Rules to reflect those changes in the Rules of Disciplinary Enforcement.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, such proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

*By The Disciplinary Board of the  
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
Executive Director & Secretary

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

#### CHAPTER 91. MISCELLANEOUS MATTERS

##### Subchapter D. DISABILITY

#### § 91.70. Preliminary provisions.

(a) **Definition.** Enforcement Rule 301(k) provides that, as used in this subchapter, the term “disabled attorney” means an attorney transferred to inactive status under this subchapter.

(b) **Cross reference.** See Enforcement Rule 601(a) which suspends the act of July 9, 1976 (P. L. 817, No. 143), known as the Mental Health Procedures Act, to the extent it is inconsistent with the Enforcement Rules.

#### § 91.71. Notification by clerks of declaration of [ **incompetence** ] **incapacity**.

(a) **Duty to report.** Enforcement Rule 301(a) provides that the clerk of any court within this Commonwealth [ **in which** ] that declares that an attorney is [ **declared incompetent or is involuntarily committed to an institution** ] incapacitated or that orders involuntary treatment of an attorney on the grounds [ **of incompetency or disability** ] that the attorney is severely mentally disabled or that denies a petition for review of a certification by a mental health review officer subjecting an attorney to involuntary treatment shall within [ **20 days** ] **24 hours** of such disposition transmit a certificate thereof to Disciplinary Counsel, who shall file such certificate with the Supreme Court by means of Form DB-20 (Certificate of Judicial Determination of Incompetency of Attorneys).

(b) **Local procedures.** The Official Note to Enforcement Rule 301(a) provides that it is the responsibility of each local court to adopt any necessary procedures so that mental health officers and individual judges notify the clerk of the court that the respondent in a matter is an attorney and that a certificate must accordingly be sent to Disciplinary Counsel under this section.

#### § 91.72. Notification by Office of Disciplinary Counsel of declaration of [ **incompetence** ] **incapacity**.

Enforcement Rule 301(b) provides that upon being advised that an attorney has been declared [ **incompetent** ] **incapacitated** or involuntarily committed to an institution on the grounds of [ **incompetency** ] **incapacity** or severe mental disability, Disciplinary Counsel shall secure and file a Form DB-20 (Certificate of Judicial Determination of Incompetency of Attorney) in accordance with the provisions of § 91.71 (relating to notification by clerks of declaration of [ **incompetence** ] **incapacity**); and that if the declaration of [ **incompetence** ] **incapacity** or commitment occurred in another jurisdiction, it shall be the responsibility of Disciplinary Counsel to secure and file a certificate of such declaration or commitment.

§ 91.73. Attorney subject to judicial determination of **[ incompetency ] incapacity**.

(a) **Transfer to inactive status.** Enforcement Rule 301(c) provides that where an attorney has been judicially declared **[ incompetent ] incapacitated** or involuntarily committed on the grounds of **[ incompetency ] incapacity** or **severe mental** disability, the Supreme Court, upon proper proof of the fact, shall enter an order transferring such attorney to inactive status effective immediately and for an indefinite period until the further order of the Court; and that a copy of such order shall be served upon such formerly admitted attorney, the guardian of such person, and/or the director of the institution to which such person has been committed in such manner as the Court may direct.

(b) **Summary reinstatement.** Where an attorney has been transferred to inactive status by an order in accordance with the provisions of subdivision (a) and, thereafter, in proceedings duly taken, the person is judicially declared to be competent, the Supreme Court upon application may dispense with further evidence that the disability has been removed and may direct reinstatement to active status upon such terms as are deemed proper and advisable.

#### § 91.78. Procedure for reinstatement.

Enforcement Rule 301(h) provides as follows:

(1) **[ No formerly admitted attorney transferred to inactive status under the provisions of this subchapter may ] Except as provided in § 91.73(b) (relating to summary reinstatement), a disabled attorney may not** resume active status until reinstated by order of the Supreme Court upon petition for reinstatement pursuant to Chapter 89 Subchapter F (relating to reinstatement).

(2) **[ Any formerly admitted attorney transferred to inactive status under the provisions of this subchapter ] A disabled attorney** shall be entitled to apply for reinstatement to active status once a year or at such shorter intervals as the Court may direct in the order transferring the respondent to inactive status or any modification thereof.

\* \* \* \*

**[ (4) Where an attorney has been transferred to inactive status by an order in accordance with the provisions of § 91.73 (relating to attorney subject to judicial determination of incompetency) and, thereafter, in proceedings duly taken, such person has been judicially declared to be competent, the Supreme Court may dispense with further evidence that the disability has been removed and may direct reinstatement to active status upon such terms as are deemed proper and advisable. ]**

### CHAPTER 93. ORGANIZATION AND ADMINISTRATION

#### Subchapter G. FINANCIAL MATTERS

#### ANNUAL ASSESSMENT OF ATTORNEYS

#### § 93.142. Filing of annual statement by attorneys.

\* \* \* \*

(b) *Filing of annual statement.* Enforcement Rule 219(d) provides that on or before July 1 of each year all persons required by the rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office in accordance with the following procedures:

(1) The statement shall set forth:

\* \* \* \*

(v) **A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.**

(vi) Such other information as the Administrative Office may from time to time direct.

[Pa.B. Doc. No. 99-1218. Filed for public inspection July 30, 1999, 9:00 a.m.]

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### [204 PA. CODE CH. 215]

#### Special Independent Prosecutor's Panel; Appointment of Independent Counsel

The Independent Counsel Authorization Act (February 18, 1998, P. L. 24, No. 19, §§ 9301—9352) requires the Special Independent Prosecutor's Panel to select an independent counsel upon receipt of an application for appointment. Under § 9319(a)(4), the Special Independent Prosecutor's Panel is further required to disclose the identity of the independent counsel upon appointment.

In accordance with § 9319(a), the Special Independent Prosecutor's Panel appointed Anthony M. Mariani, Esquire as independent counsel on June 25, 1999 in an additional matter docketed at 1 I.C. 1998.

NANCY M. SOBOLEVITCH,  
*Court Administrator of Pennsylvania*

[Pa.B. Doc. No. 99-1219. Filed for public inspection July 30, 1999, 9:00 a.m.]

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### [204 PA. CODE CH. 215]

#### Special Independent Prosecutor's Panel; Appointment of Independent Counsel

The Independent Counsel Authorization Act (February 18, 1998, P. L. 24, No. 19, §§ 9301-9352) requires the Special Independent Prosecutor's Panel to select an independent counsel upon receipt of an application for appointment. Under § 9319(a)(4), the Special Independent Prosecutor's Panel is further required to disclose the identity of the independent counsel upon appointment.

In accordance with § 9319(a), the Special Independent Prosecutor's Panel appointed William F. Manifesto, Esquire as independent counsel on July 21, 1999 in a matter docketed at 1 I.C. 1999.

NANCY M. SOBOLEVITCH,  
*Court Administrator of Pennsylvania*

[Pa.B. Doc. No. 99-1220. Filed for public inspection July 30, 1999, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

#### [234 PA. CODE CH. 300]

#### Order Amending Rules 319 and 320; No. 249 Criminal Procedural Rules Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the July 15, 1999 amendments to Rules of Criminal Procedure 319 (Pleas and Plea Agreements) and 320 (Withdrawal of Plea of Guilty or Nolo Contendere) that clarify in the rules the procedures for a defendant to withdraw a guilty plea or plea of nolo contendere, and provide the attorney for the Commonwealth a 10-day opportunity within which to respond to the defendant's motion to withdraw. The Final Report follows the Court's Order.

#### Order

*Per Curiam:*

Now, this 15th day of July, 1999, upon the recommendation of the Criminal Procedural Rules Committee;

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 319 and 320 are hereby amended, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2000.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 300. PRETRIAL PROCEEDINGS

#### Rule 319. Pleas and Plea Agreements.

##### [ (a) ] (A) *Generally.*

\* \* \* \* \*

(3) The judge may refuse to accept a plea of guilty **or nolo contendere**, and shall not accept it unless the judge determines after inquiry of the defendant that the plea is voluntarily and understandingly tendered. Such inquiry shall appear on the record.

##### [ (b) ] (B) *Plea agreements.*

(1) When counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement, unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and the attorney for the Commonwealth, that

specific conditions in the agreement be placed on the record in camera and the record sealed.

(2) The judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea **or plea of nolo contendere** is based.

##### [ (c) ] (C) *Murder cases.*

In cases in which the imposition of a sentence of death is not authorized, when a defendant enters a plea of guilty **or nolo contendere** to a charge of murder generally, the judge before whom the plea was entered shall alone determine the degree of guilt.

**Official Note:** Paragraph (a) adopted June 30, 1964, effective January 1, 1965; amended November 18, 1968, effective February 3, 1969; paragraph (b) adopted and title of rule amended October 3, 1972, effective 30 days hence; specific areas of inquiry in Comment deleted in 1972 amendment, reinstated in revised form March 28, 1973, effective immediately; amended June 29, 1977, and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraph (c) added and Comment amended May 22, 1978, effective July 1, 1978; Comment revised November 9, 1984, effective January 2, 1985; amended December 22, 1995, effective July 1, 1996 [ . ]; **amended July 15, 1999, effective January 1, 2000.**

#### Comment

The purpose of paragraph [ (a) ] (A)(3) is to codify the requirement that the judge, on the record, ascertain from the defendant that the guilty plea **or plea of nolo contendere** is voluntarily and understandingly tendered. On the mandatory nature of this practice, see *Commonwealth v. Ingram*, 316 A.2d 77 (Pa. 1974); *Commonwealth v. Campbell*, 304 A.2d 121 (Pa. 1973); and *Commonwealth v. Jackson*, 299 A.2d 209 (Pa. 1973).

It is difficult to formulate a comprehensive list of questions a judge must ask of a defendant in determining whether the judge should accept the plea of guilty **or a plea of nolo contendere**. Court decisions may add areas to be encompassed in determining whether the defendant understands the full impact and consequences of the plea, but is nevertheless willing to enter that plea. At a minimum the judge should ask questions to elicit the following information:

(1) Does the defendant understand the nature of the charges to which he or she is pleading guilty **or nolo contendere**?

\* \* \* \* \*

It is advisable that the judge conduct the examination of the defendant. However, paragraph [ (a) ] (A) does not prevent defense counsel or the attorney for the Commonwealth from conducting part or all of the examination of the defendant, as permitted by the judge. In addition, nothing in the rule would preclude the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the plea proceedings. This written colloquy would have to be supplemented by some on-the-record oral examination. Its use would not, of course, change any other requirements of law, including these rules, regarding the prerequisites of a valid guilty plea **or plea of nolo contendere**.

The "terms" of the plea agreement, referred to in paragraph [ (b) ] (B)(1), frequently involve the attorney

for the Commonwealth—in exchange for the defendant's plea of guilty **or nolo contendere**, and perhaps for the defendant's promise to cooperate with law enforcement officials—promising concessions such as a reduction of a charge to a less serious offense, the dropping of one or more additional charges, a recommendation of a lenient sentence, or a combination of these. In any event, paragraph [ (b) ] (B) is intended to insure that all terms of the agreement are openly acknowledged for the judge's assessment. See, e.g., *Commonwealth v. Wilkins*, 277 A.2d 341 (Pa. 1971).

The 1995 amendment deleting former paragraph [ (b) ] (B)(1) eliminates the absolute prohibition against any judicial involvement in plea discussions in order to align the rule with the realities of current practice. For example, the rule now permits a judge to inquire of defense counsel and the attorney for the Commonwealth whether there has been any discussion of a plea agreement, or to give counsel, when requested, a reasonable period of time to conduct such a discussion. Nothing in this rule, however, is intended to permit a judge to suggest to a defendant, defense counsel, or the attorney for the Commonwealth, that a plea agreement should be negotiated or accepted.

Under paragraph [ (b) ] (B)(1), upon request and with the consent of the parties, a judge may, as permitted by law, order that the specific conditions of a plea agreement be placed on the record in camera and that portion of the record sealed. Such a procedure does not in any way eliminate the obligation of the attorney for the Commonwealth to comply in a timely manner with Rule 305 and the constitutional mandates of *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. Similarly, the attorney for the Commonwealth is responsible for notifying the cooperating defendant that the specific conditions to which the defendant agreed will be disclosed to third parties within a specified time period, and should afford the cooperating defendant an opportunity to object to the unsealing of the record or to any other form of disclosure.

When a guilty plea, **or plea of nolo contendere**, includes a plea agreement, the 1995 amendment to paragraph [ (b) ] (B)(2) requires that the judge conduct a separate inquiry on the record to determine that the defendant understands and accepts the terms of the plea agreement. See *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991).

Former paragraph [ (b) ] (B)(3) was deleted in 1995 for two reasons. The first sentence merely reiterated an earlier provision in the rule. See [ (a) ] (A)(3). The second sentence concerning the withdrawal of a guilty plea was deleted to eliminate the confusion being generated when that provision was read in conjunction with Rule 320. As provided in Rule 320, it is a matter of judicial discretion and case law whether to permit or direct a guilty plea **or plea of nolo contendere** to be withdrawn. See also *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991) (the terms of a plea agreement may determine a defendant's right to withdraw a guilty plea).

**For the procedures governing the withdrawal of a plea of guilty or nolo contendere, see Rule 320.**

Paragraph [ (c) ] (C) reflects a change in Pennsylvania practice, which formerly required the judge to convene a panel of three judges to determine the degree of guilt in murder cases in which the imposition of a sentence of death was not statutorily authorized.

#### *Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the July 15, 1999 amendments concerning references to nolo contendere pleas and cross-referencing Rule 320 published with the Court's Order at 29 Pa.B. 4057 (July 31, 1999).**

**Rule 320. Withdrawal of plea of guilty or nolo contendere.**

(A) At any time before the imposition of sentence, the court may, in its discretion, permit, **upon motion of the defendant**, or direct, **sua sponte**, the withdrawal of a plea of guilty or nolo contendere [ to be withdrawn ] and the substitution of a plea of not guilty [ substituted ].

(B) When a defendant moves for the withdrawal of a plea of guilty or nolo contendere, the attorney for the Commonwealth shall be given 10 days to respond.

**Official Note:** Adopted June 30, 1964, effective January 1, 1965; Comment added June 29, 1977, effective September 1, 1977; Comment revised March 22, 1993, effective January 1, 1994; Comment deleted August 19, 1993, effective January 1, 1994; new Comment approved July 1, 1996, effective July 1, 1996 [ . ] ; **amended July 15, 1999, effective January 1, 2000.**

#### **Comment**

Under paragraph (A), when a defendant moves to withdraw a plea of guilty or nolo contendere, ordinarily the motion should be filed in writing before the date of the sentencing hearing. For the procedures governing motions, see Chapter 9000. However, nothing in this rule would preclude a defendant from making an oral and on-the-record motion to withdraw a plea at the sentencing hearing prior to the imposition of sentence.

When the defendant orally moves to withdraw a plea of guilty or nolo contendere at the sentencing hearing, the court should conduct an on-the-record colloquy to determine whether a fair and just reason to permit the withdrawal of the plea exists. If the court finds that there is not a fair and just reason, then the motion should be denied, and the court should proceed to sentencing. If the court finds that there may be a fair and just reason, then pursuant to paragraph (B), the court must give the attorney for the Commonwealth 10 days to respond to the motion.

Under paragraph (B), the trial court may not permit the withdrawal of a guilty plea or plea of nolo contendere until the expiration of the 10 days from the date on which the attorney for the Commonwealth receives the defendant's motion to withdraw the plea, unless the attorney for the Commonwealth responds prior to the expiration, nor may it compel the attorney for the Commonwealth to respond prior to the expiration of the 10-day period.

After the attorney for the Commonwealth has had an opportunity to respond, a request to withdraw a plea made before sentencing should be liberally allowed. See *Commonwealth v. Randolph*, 718 A.2d 1242 (Pa. 1998); *Commonwealth v. Forbes*, 299 A.2d 268 (Pa. 1973).

When a defendant [ **withdraws** ] is permitted to **withdraw** a guilty plea or **plea of nolo contendere** under this rule and proceeds with a non-jury trial, the court and the parties should consider whether recusal might be appropriate to avoid prejudice to the defendant. See, e.g., *Commonwealth v. Pierce*, 527 A.2d 973 (Pa. 1987).

For a discussion of plea withdrawals when a guilty plea or **plea of nolo contendere** includes a plea agreement, see the Comment to Rule 319.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the July 15, 1999 amendments concerning the requirements for the withdrawal of a plea published with the Court's Order at 29 Pa.B. 4057 (July 31, 1999).**

### FINAL REPORT<sup>1</sup>

#### Amendments to Rules 319 and 320

##### Introduction

On July 15, 1999, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court adopted amendments to Rules of Criminal Procedure 319 (Pleas and Plea Agreements) and 320 (Withdrawal of Plea of Guilty or Nolo Contendere). These changes, which will become effective on January 1, 2000, clarify in the rules the procedures for a defendant to withdraw a guilty plea or plea of nolo contendere, and provide the attorney for the Commonwealth a 10-day opportunity within which to respond to the defendant's motion to withdraw. This Final Report highlights the Committee's considerations in formulating these amendments.

##### Background

The Committee's consideration of plea withdrawals in court cases began in response to correspondence suggesting that the Criminal Rules be amended to provide a notice to the attorney for the Commonwealth in those situations in which a defendant requests to withdraw a plea of guilty. The correspondence pointed out that, often, a defendant requests to withdraw the guilty plea immediately before sentencing, and that in many cases, the attorney for the Commonwealth is not adequately prepared to argue the motion, or the court grants a continuance, and the sentencing is delayed. As a solution to this problem, the correspondence suggested that Rule 320 be amended to require that a defendant who wants to withdraw a plea provide reasonable notice, in writing, to the attorney for the Commonwealth prior to the time of the sentencing hearing.

The Committee reviewed Rule 320, which provides a minimum of procedure, only stating that the court may permit or direct a plea of guilty to be withdrawn, and the case law, which provides that 1) the withdrawal of a guilty plea is to be liberally allowed, particularly prior to sentencing, see *Commonwealth v. Forbes*, 299 A.2d 268 (Pa. 1973), and 2) the "preferred procedure" is for a defendant to file a motion for leave to withdraw the plea, and the trial court, in its discretion, will decide the matter on the basis of the petition and answer, or make an on-the-record determination after an evidentiary hearing, see *Commonwealth v. Zakrewski*, 333 A.2d 898 (Pa. Super. 1975). Considering the rule and case law, the

Committee acknowledged that a defendant may move for the withdrawal in advance of the sentencing hearing, a defendant may orally make the motion as late as immediately before the imposition of sentence, or the trial court may sua sponte direct the withdrawal of the plea. In view of these considerations, and the suggestion to amend Rule 320 to require a defendant to provide notice to the attorney for the Commonwealth before the sentencing date, the Committee concluded that a more detailed procedure providing the attorney for the Commonwealth an opportunity to respond to a defendant's motion to withdraw a plea would allay the concerns of being "blindsided" or caught off guard, and ensure the court has the benefit of both positions before ruling.

Initially, the Committee agreed that Rule 320 should:

1. Retain the present procedure that a defendant move, orally or by written motion, to withdraw a plea at any time prior to the imposition of sentence;

2. Provide for a notice to the attorney for the Commonwealth before the date scheduled for sentencing; and

3. Provide the attorney for the Commonwealth with an opportunity to address the fair and just reason claimed by the defendant, and investigate whether a withdrawal of the plea would substantially prejudice its case. While drafting the Rule 320 amendments, however, the Committee realized that the focus on requiring the defendant to provide notice to the attorney for the Commonwealth in advance of sentencing was confusing because the amendment would be open to interpretation that it was a change in the substantive law that a defendant is permitted to make a motion to withdraw a plea at any time until the imposition of sentence. After considering various means to accomplish notice, the Committee settled on providing the attorney for the Commonwealth with a 10-day opportunity to respond. This procedure is a more logical solution, and promotes the two-pronged standard for deciding whether to allow a plea withdrawal espoused in *Forbes*, supra, and reiterated in *Commonwealth v. Randolph*, 718 A.2d 1242 (Pa. 1988): first, the judge must determine that there is a fair and just reason for the withdrawal; second, the judge must determine that, if the withdrawal is allowed, there will be a lack of substantial prejudice to the Commonwealth. The Committee also concluded that the "10-day opportunity to respond" approach would be more consistent with current practice and case law, and would provide an adequate opportunity for the attorney for the Commonwealth to investigate whether the withdrawal would prejudice the case.

Finally, the Committee agreed that it is important not to create waiver issues or to "cut off" a defendant by mandating that a motion to withdraw a plea be "filed in writing." Rule 320, therefore, maintains a defendant's ability to make an oral motion to withdraw a plea immediately prior to sentencing. This approach promotes consistency throughout the Criminal Rules, and corresponds with the motion requirements of Rule 9022.

##### Discussion of Rule Changes

##### 1. Rule 320 (Withdrawal of Plea of Guilty or Nolo Contendere)

Rule 320 has been divided into two paragraphs. New paragraph (A) incorporates the current provisions of Rule 320, providing that the court in its discretion may permit or direct the withdrawal of a plea of guilty or nolo contendere. Paragraph (A) also includes the qualifiers "upon motion of the defendant" referring to the situations in which the court may "permit" the withdrawal of a plea

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.



of guilty, and "sua sponte" in which the court may "direct" the withdrawal of a plea of guilty.

A new paragraph (B) provides that the attorney for the Commonwealth shall be given 10 days to respond to a defendant's motion to withdraw a plea of guilty or nolo contendere.

The Rule 320 Comment contains several revisions. First, the Comment clarifies that, although the filing of a written motion to withdraw a plea of guilty is the preferred procedure, oral motions that are made on the record are acceptable. It also explains that, following an oral motion, if the judge determines that no fair and just reason exists to permit the withdrawal, the judge should proceed with the sentencing. If the court finds, however, that there may be a fair and just reason to substantiate a withdrawal, then before proceeding to sentencing, the court must give the attorney for the Commonwealth 10 days to respond to the defendant's motion. Finally, the Comment clarifies that the trial judge may not permit the withdrawal of a plea of guilty before the 10-day period expires, unless the attorney for the Commonwealth responds to the motion prior to the expiration of the 10 days, and that the court may not compel the attorney to respond in less than 10 days.

## 2. Rule 319 (Pleas and Plea Agreements)

Rule 319 provides the procedures for entering pleas. The Comment has been revised to include a cross-reference to Rule 320 concerning the procedure governing the withdrawal of a guilty plea or plea of nolo contendere.

## 3. Pleas of Nolo Contendere

Rules 319 and 320 have been modified to include references to nolo contendere pleas because, in Pennsylvania criminal courts, a plea of nolo contendere is considered the same as a plea of guilty. See *Commonwealth v. Nelson*, 666 A.2d 714 (Pa. Super. 1995) and *Commonwealth v. West*, 378 A.2d 1289 (Pa. Super. 1977).

[Pa.B. Doc. No. 99-1221. Filed for public inspection July 30, 1999, 9:00 a.m.]

## PART I. GENERAL

### [234 PA. CODE CH. 1400]

## Order Adopting Amendments to Rule 1405; No. 248 Criminal Procedural Rules Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the July 15, 1999 amendments to Rule 1405 (Procedures at the Time of Sentencing). These changes expand the time limits for sentencing from 60 to 90 days, reduce the time for extensions of the time for sentencing from 60 to 30 days, and add a citation to *Commonwealth v. Anders*, 725 A.2d 170 (Pa. 1999), concerning the sanctions for failing to comply with the Rule 1405 time limits. The Final Report follows the Court's Order.

## Order

*Per Curiam:*

Now, this 15th day of July, 1999, upon the recommendation of the Criminal Procedural Rules Committee; this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.Crim.P. 1405 is hereby amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2000.

## Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

### CHAPTER 1400. SENTENCING

## Rule 1405. Procedure at Time of Sentencing.

### A. Time for Sentencing.

(1) Except as provided by Rule 1403.B, sentence in a court case shall ordinarily be imposed within [ 60 ] 90 days of conviction or the entry of a plea of guilty or nolo contendere.

\* \* \* \* \*

**Official Note:** Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; Comment revised April 18, 1997, effective immediately; Comment revised January 9, 1998, effective immediately [ . ]; **amended July 15, 1999, effective January 1, 2000.**

## Comment

This rule is derived in part from previous Rule 1405.

\* \* \* \* \*

### Time for Sentencing

\* \* \* \* \*

Under paragraph A(1), sentence should be imposed within [ 60 ] 90 days of conviction or the entry of a plea of guilty or nolo contendere, unless the court orders a psychiatric or psychological examination pursuant to Rule 1403.B. Such an order should extend the time for sentencing for only as much time as is reasonably required, but in no event should sentencing be extended for more than [ 60 ] 30 days beyond the original [ 60 ] 90-day limit. In summary appeal cases, however, sentence must be imposed immediately at the conclusion of the de novo trial.

\* \* \* \* \*

Because such extensions are intended to be the exception rather than the rule, the extension must be for a specific time period, and the judge must include in the record the length of the extension. A hearing need not be held before an extension can be granted. Once a specific extension has been granted, however, some provision

should be made to monitor the extended time period to insure prompt sentencing when the extension period expires.

**Failure to sentence within the time specified in paragraph (A) may result in the discharge of the defendant. See *Commonwealth v. Anders*, 725 A.2d 170 (Pa. 1999) (discharge is appropriate remedy for violation of Rule 1405 time limits, but only if the defendant can demonstrate that the delay in sentencing was prejudicial to the defendant).**

\* \* \* \* \*

#### *Sentencing Procedures*

\* \* \* \* \*

After sentencing, following a conviction in a trial de novo in a summary case, the judge should advise the defendant of the right to appeal and the time limits within which to exercise that right, the right to proceed in forma pauperis and with assigned counsel to the extent provided in Rule 316(a), and of the qualified right to bail under Rule 4009(b). See paragraphs C(3)(a), (b), and (e). See also Rule 1410 [ . ] (D) (no post-sentence motion after a trial de novo).

\* \* \* \* \*

For the duty of the sentencing judge to state on the record the reasons for the sentence imposed, see *Commonwealth v. Riggins*, 377 A.2d 140 (Pa. 1977) and *Commonwealth v. Devers*, 546 A.2d 12 (Pa. 1988). If the sentence initially imposed is modified pursuant to Rule 1410 [ . ] (B)(1)(a)(v), the sentencing judge should ensure that the reasons for the ultimate sentence appear on the record. See also Sentencing Guidelines, 204 Pa. Code §§ 303.1(b), 303.1(h), and 303.3(2) [ (1982) ].

\* \* \* \* \*

#### *Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the January 9, 1998 Comment revisions concerning Guideline Sentence Forms, and summary case appeal notice, published with the Court's Order at 28 Pa.B. 481 (January 31, 1998).

**Final Report explaining the July 15, 1999 amendments concerning the time for sentencing published with the Court's Order at 29 Pa.B. 4059 (July 31, 1999).**

### FINAL REPORT<sup>1</sup>

#### **Amendments to Pa.R.Crim.P. 1405 (Procedures at the Time of Sentencing)**

##### **Time for Sentencing; *Commonwealth v. Anders***

On July 15, 1999, effective January 1, 2000, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 1405 (Procedures at the Time of Sentencing) by expanding the time limits for sentencing from 60 to 90 days. The Court also approved the revision of the Rule 1405 Comment that (1) reduces the time for extensions of the time for sentencing from 60 to 30 days, and (2) adds a citation to *Commonwealth v. Anders*, 725 A.2d 170 (Pa. 1999), concerning the sanctions for failing to comply with the Rule 1405 time limits.

#### *I. Expansion of Rule 1405 Time Limits for Sentencing*

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

In the communications between the Court and the Committee, it was suggested that, as a practical matter, the 60-day period may be too short to realistically get all the sentencing information to the trial judge before sentencing, and that a 90-day period may be more consistent with other rules requiring trial court action.

The Committee considered these points, examined the relevant case law, and reviewed the history of Rule 1405, particularly the development of the 60-day time limit. As explained in the Committee's Final Report that was published with the Court's 1993 Order adopting, inter alia, the Rule 1405 time limits, the "Committee determined that sixty days, or approximately two months, was a reasonable time within which to expect the completion of pre-sentence investigation reports, based on the members' experience and on the information contained in the AOPC Survey." See 23 Pa.B. 1685, 1700 (4/10/93). The Final Report goes on to explain that the Committee recognized that there would be extraordinary circumstances when the 60-day limit was not long enough, such as when a Rule 1403 (Aids In Imposing Sentence) examination is ordered. In these cases, as stated in the Rule 1405 Comment, the extension should not be longer than sixty days beyond the Rule 1405 60-day time limit.

In the Committee's current discussions, the members commented that the 1993 assessment of the reasonableness of the 60-day time limit was still accurate. They have found that, since the Rule 1405 time limit went into effect, it has been their experience in the jurisdictions in which they practice or are judges that there are no serious problems with meeting the time limit. However, the members were cognizant of the cases in which the courts have had difficulty meeting the time requirements, and the majority agreed that an expansion of the initial time limit would be an aid to these few lower courts without significantly compromising the original intent of the rule.

Having agreed that the initial time for sentencing should be extended, the Committee also discussed whether there should be a change in the suggested 60-day limit on the length of an extension. We concluded that the purpose of the time limits and the goal of promoting prompt and fair sentencing procedures is best served if the total time, including any extensions, does not exceed the 120 days provided in present Rule 1405. Accordingly, Rule 1405.A(1) has been amended by changing the 60-day time limit to 90 days. In addition, the second paragraph of the "Time for Sentencing" section of the Comment has been revised by (1) conforming the time for sentencing with the paragraph (A)(1) amendment, and (2) changing the 60-day limit on extensions to 30 days.

#### *II. Commonwealth v. Anders*

The issue of sanctions for a court's failure to sentence a defendant within the Rule 1405 time limits was generated by the rule's silence, and has been the subject of several appellate court opinions. The Superior Court first addressed the matter in *Commonwealth v. Thomas*, 674 A.2d 1119 (Pa. Super. 1996), holding that the remedy for a violation of the Rule 1405(A) time limits on sentencing was dismissal of the charges and discharge of the defendant. Subsequently, the Superior Court, sitting en banc, overturned *Thomas* "to the extent that it holds that discharge is an appropriate remedy for a violation of Rule 1405(A)." See *Commonwealth v. Anders*, 699 A.2d 1258, 1262 (Pa. Super. 1997). The Supreme Court ultimately resolved the question in *Commonwealth v. Anders*, 725 A.2d 170 (Pa. 1999), in which Madam Justice Newman stated that "[a]lthough Rule 1405 does not expressly

provide for a remedy, it is axiomatic that every rule must have a remedy. Appellant argues, and we agree, that the appropriate remedy for a violation of Rule 1405 is discharge," and that discharge is not automatic, but only in cases in which the defendant "can demonstrate that the delay in sentencing prejudiced him or her." *Id.* at 173.

Following our review of these cases, the Committee agreed that it would be helpful to the bench and bar if there was something in Rule 1405 to alert them to these issues and the Court's resolution. The Committee concluded that this could be accomplished by revising the Rule 1405 Comment to include a citation to *Anders*. Accordingly, the following language has been added as the last paragraph of the "Time for Sentencing" section of the Rule 1405 Comment:

Failure to sentence within the time specified in paragraph (A) may result in the discharge of the defendant. See *Commonwealth v. Anders*, 725 A.2d 170 (Pa. 1999) (discharge is appropriate remedy for violation of Rule 1405 time limits, but only if the defendant can demonstrate that the delay in sentencing was prejudicial to the defendant).

[Pa.B. Doc. No. 99-1222. Filed for public inspection July 30, 1999, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SOMERSET COUNTY

#### Consolidated Rules of Court; No. 62 Miscellaneous 1999

##### Adopting Order

Now, this 15 day of July, 1999, it is hereby *Ordered*:

1. Somerset Rule of Civil Procedure 209, Proceedings After Petition Filed; Somerset Rule of Civil Procedure 210, Briefs, and Somerset Rule of Civil Procedure 211, Argument Cases, Scheduling, are amended to read in their entirety, as reflected in revised Som.R.C.P. 209, revised Som. R.C.P. 210 and revised Som.R.C.P. 211, as follows, effective thirty days after publication in the *Pennsylvania Bulletin*.

2. Som.R.C.P. 205.3. Scheduling of Petitions and Motions, is rescinded, effective thirty days after publication in the *Pennsylvania Bulletin*.

3. The following designated Somerset County Rules of Judicial Administration (Som.R.J.A.), are adopted as rules of this Court, effective thirty days after publication in the *Pennsylvania Bulletin*:

Som.R.J.A. 160. Administration of Oaths and Acknowledgments.

Som.R.J.A. 410. Prothonotary's Issuance and Delivery of Process.

4. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following Rules with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order with the Pennsylvania Civil Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these rules, which shall include a copy of each transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
*President Judge*

#### Rules of Court

##### *Petition And Motion Practice*

##### **Som.R.C.P. 209. Proceedings After Petition Filed.**

A. An affidavit, return or acceptance of service of every petition shall be filed which shall state the name of the party or parties served and the time, place and manner of service with sufficient particularity to enable the court to determine whether proper service has been made.

*NOTE:* For form of return of service, see Pa.R.C.P. 405.

(Derived from former R35-104).

B. Unless provided otherwise by these Rules or by Court Order, a petition shall be scheduled for argument or hearing only by the filing of a scheduling praecipe in the form specified in Som.R.J.A. 1099, available from the Prothonotary or Court Administrator.

C. Unless otherwise ordered, the case shall be scheduled for disposition only after the expiration of twenty (20) days following service of the petition, and after a return, affidavit or acceptance of service is filed.

(Derived from former R35-105).

*NOTE:* See Som.R.C.P. 211 for scheduling procedure.

##### *Briefs*

##### **Som.R.C.P. 210. Briefs.**

A. Briefs are required to be filed when directed by order of court, or by these Rules.

(Formerly R8-101).

B. In an argument case now pending, unscheduled or hereafter filed, which presents a question of law for decision by the Court, each party shall file a brief as follows:

1. When a moving party files a scheduling praecipe, the moving party's brief, if not previously filed, shall be filed at the time the scheduling praecipe is presented, and the moving party shall serve copies of the brief as provided by these rules. Upon filing and service of a scheduling praecipe and brief by the moving party, each other party who has not already done so shall file a brief within twenty (20) days thereafter or at the time of earlier scheduled argument.

2. When a responding party files a scheduling praecipe, or if the Court places a case on an argument list, the moving party, shall, within twenty (20) days of receipt of the scheduling order, file and serve a brief as required by these rules. Upon service, each other party who has not already done so shall file a reply brief within fifteen (15) days thereafter, or at the time of earlier scheduled argument.

3. If a party's brief is not timely filed, the Court may, in its discretion:

a. In the case of a moving party's failure to file a brief, delay scheduling until the brief is filed;

b. Disregard the untimely brief;

- c. Refuse oral argument by the offending party;
- d. Consider the issues raised by the offending party to be waived;
- e. Order argument to be continued;
- f. Enter such other order as the interests of justice may require.

C. A party filing a brief shall file the original with the Prothonotary, shall promptly serve a copy on each other Counsel and unrepresented party, and shall promptly provide a copy to the Court Administrator.

D. Matters not briefed shall not be argued or considered, unless the omission is excused by the Court, for cause.

E. Any party who has filed a brief may, if no party has filed a scheduling praecipe, file a written request for submission on briefs, copy to each counsel and unrepresented party, and if no scheduling praecipe is filed within twenty (20) days thereafter, the Prothonotary shall transmit the record to the Motions Judge for such disposition accompanied by a Prothonotary's record transmission memo in substantially the following form:

(CASE CAPTION)

*RECORD TRANSMISSION MEMO*

Attached is the record in the above entitled case for disposition on briefs. The following briefs are filed on the date stated and included in the record:

*Party filing brief*                      *Date filed:*

No other brief has been filed and no scheduling praecipe has been filed.

Date: \_\_\_\_\_  
Prothonotary

*List of counsel and unrepresented parties:*

A copy of the record transmission memo shall be furnished to each counsel and unrepresented party by the Prothonotary.

Unless already filed, each party shall file a brief within twenty (20) days after the written request for submission is filed.

(Derived from former R8-103).

F. Briefs shall be in the form prescribed by Pennsylvania Rule of Civil Procedure 210, and shall consist of concise and summary statements, separately and distinctly titled, of the following items in the order listed:

(1) *Matter before the Court.* State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.

(2) *Statement of the question(s) involved.* State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.

(3) *Facts.* State the operative facts.

(4) *Argument.* State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall

not be cited for general reference but in all cases shall be immediately preceded or followed by its relevant holding or particular proposition for which it stands.

(5) *Relief.* State the specific action(s) requested of the court.

(Formerly R8-102).

*Argument Case*

*Procedure*

**Som.R.C.P. 211 Argument Cases. Scheduling.**

A. An "argument case" is any case ready for non-trial hearing or argument before the court.

B. All argument cases shall be scheduled for argument or hearing only upon the filing of a scheduling praecipe in the form specified in Som.R.J.A. 1099, available through the Court Administrator's office or Prothonotary's office, except that the following argument cases shall be scheduled sec. reg. by the Court Administrator without requiring a scheduling praecipe:

1. Argument cases on the list of the Domestic Relations Director (Som.R.J.A 1011.C.).

2. Motions or petitions presented to regularly scheduled Motions Court pursuant to the provisions of Som.R.C.P. 205.4.

3. Petitions for adoption, appointment of guardian for an incapacitated person, complaint for custody, preliminary injunctions, and similar complaints or petitions which require date certain scheduling, and any other case in which a Judge of the Court has fixed a date certain for hearing or argument, provided that unless Counsel indicate otherwise when the motion, petition or complaint is presented, such cases will be allowed not more than thirty (30) minutes on the schedule and will be treated as proper for scheduling before any Judge.

4. Motions or petitions which are permitted to be presented ex parte, without prior notice of presentation and opportunity to be heard, pursuant to the provisions of Som.R.C.P. 209.2, subparagraph A.

5. Motions or petitions which, because of extraordinary and compelling circumstances, cannot be scheduled otherwise, and which must be heard upon short notice.

C. Argument before the Court shall not be permitted in excess of twenty (20) minutes for each party, unless extension is granted by the Court for cause.

**Administration Of Oaths And Acknowledgments  
Som.R.J.A. 160.**

The Chief Probation Officer, secretaries of the Probation Department, Director and Assistant Director of the Domestic Relations Section, and secretaries in the Domestic Relations Section, are empowered as Clerk and Deputy Clerks of the Court to take affidavits to petitions, complaints, applications and other documents filed in cases docketed in the Juvenile and Domestic Relations dockets, and other dockets now or hereafter in the custody of the Probation Department or Domestic Relations Section.

(Formerly R29-404).

*Issuance And Delivery Of Process*

**Som.R.J.A. 410. Prothonotary's Issuance And Delivery Of Process.**

When a writ is issued by the Prothonotary, or any complaint is filed, and upon presentation of proper copies,

the Prothonotary shall, unless otherwise instructed in writing by the party issuing or filing the same, attest the copies to be served in compliance with applicable Rules of Civil Procedure, and shall deliver the same promptly to the Sheriff for service.

*NOTE:* See *Kuzupas v. Kammerer*, 35 Somerset Legal Journal 168 (1978).

(Formerly R45-101).

[Pa.B. Doc. No. 99-1223. Filed for public inspection July 30, 1999, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Angela C. W. Belfon, having been suspended from the practice of law in the State of New Jersey for a period of nine months, the Supreme Court of Pennsylvania issued an Order dated July 15, 1999 suspending Angela C. W. Belfon for a period of nine months. In accordance with the Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of

the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 99-1224. Filed for public inspection July 30, 1999, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that James E. Conley, III, having been suspended from the practice of law in the State of Texas for a period of three months, the Supreme Court of Pennsylvania issued an Order dated July 15, 1999 suspending James E. Conley, III for a period of three months. In accordance with the Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 99-1225. Filed for public inspection July 30, 1999, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

[Correction]

### Antidegradation

An error occurred in the document adopting § 93.4c(c)(1) which appeared at 29 Pa.B. 3720, 3733 (July 17, 1999). The language an “SEJ” (social or economic justification) was inadvertently omitted from the first sentence. The correct version of § 93.4c(c)(1) appears in Annex A, with ellipses referring to the existing text of the section.

### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 93. WATER QUALITY STANDARDS

#### § 93.4c. Implementation of antidegradation requirements.

\* \* \* \* \*

(c) *Special provisions for sewage facilities in High Quality or Exceptional Value Waters.*

(1) *SEJ approval in sewage facilities planning and approval in High Quality Waters.* A proponent of a new, additional, or increased sewage discharge in High Quality Waters shall include an SEJ impact analysis as part of the proposed revision or update to the official municipal sewage facilities plan under Chapter 71 (relating to administration of sewage facilities planning program). The Department will make a determination regarding the consistency of the SEJ impact analysis with subsection (b)(1)(iii). The determination will constitute the subsection (b)(1)(iii) analysis at the National Pollutant Discharge Elimination System (NPDES) permit review stage under Chapter 92 (relating to National Pollutant Discharge Elimination System), unless there is a material change in the project or law between sewage facilities planning and NPDES permitting, in which case the proponent shall recommence sewage facilities planning and perform a new social or economic justification impact analysis.

\* \* \* \* \*

[Pa.B. Doc. No. 99-1123. Filed for public inspection July 16, 1999, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 117]

### Boat Rental Business; Extension of Public Comment Period

On May 22, 1999, the Fish and Boat Commission (Commission) published a notice of proposed rulemaking (Regulation No. 48A-90) in the *Pennsylvania Bulletin* at 29 Pa.B. 2678, seeking public comments, objections or suggestions on a proposal relating to boat rental businesses or liveries. The Commission is extending the public comment period for the proposed amendments until September 10, 1999.

Interested persons are invited to submit written comments, objections or suggestions about the proposal to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, on or before September 10, 1999. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each electronic mail transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-1226. Filed for public inspection July 30, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Quality Health Care Accountability and Protection

Under section 2181(e) of the act of June 17, 1998 (P. L. 464, No. 68) (act), amending the act of May 17, 1921 (P. L. 682, No. 284), known as the Insurance Company Law of 1921, the Department of Health (Department) will be proposing regulations relating to quality health care accountability and protection. The Department anticipates proposing these regulations in September 1999.

The Department mailed copies of draft proposed regulations to stakeholders for informal comment, and placed the draft proposed regulations on the Department's web page. The Department anticipates completion of its review of comments and of any necessary revisions to the draft proposed regulations by August 31, 1999. Upon completion of this review and revision process, regulations will be published as proposed in the *Pennsylvania Bulletin*. A formal comment period will be announced at that time.

Persons requiring additional information should contact Stacy Mitchell, Director, Bureau of Managed Care, P. O. Box 90, Room 1030, Health & Welfare Building, Harrisburg, PA 17108, (717) 787-5193, V/TT (717) 783-6514 for

speech and or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

(*Editor's Note:* See the Insurance Department's proposed rulemaking at 29 Pa.B. 4064 (July 31, 1999).)

[Pa.B. Doc. No. 99-1227. Filed for public inspection July 30, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

[31 PA. CODE CHS. 154 AND 301]

### Quality Health Care Accountability and Protection

The Insurance Department (Department) proposes to add Chapter 154 (relating to quality health care accountability and protection), to read as set forth in Annex A. The Department is publishing these regulations as a proposed rulemaking. The Department proposes the regulations under the authority of section 2181 of The Insurance Company Law of 1921 (40 P. S. § 991.2181), added by the act of June 17, 1998 (P. L. 464, No. 68) and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412).

#### *Purpose*

Proposed Chapter 154 is being promulgated to implement the quality health care accountability and protection provisions of the act of June 17, 1998 (P. L. 464, No. 68)(40 P. S. §§ 991.2101—991.2193) (act). The act was signed into law by the Governor on June 17, 1998. Article XXI, the Quality Health Care Accountability and Protection provisions, became effective January 1, 1999. The Department originally issued a statement of policy to provide interim guidance to entities subject to the act, specifically managed care plans, as defined by the act, and licensed insurers. See Chapter 301, Subchapter J (relating to quality health care accountability and protection—statement of policy). Upon adoption of these proposed regulations, the statement of policy shall be rescinded.

The proposed regulations are necessary to carry out the provisions of the act. These proposed regulations establish a framework of requirements to be followed by managed care plans and licensed insurers for implementation of, and ongoing operations under, the provisions of the act. Managed care plans and licensed insurers covered by the act are subject to regulation by both the Insurance Department and the Department of Health. Department of Health regulations are scheduled to be promulgated separately from these regulations.

#### *Explanation of Proposed Regulatory Requirements*

Section 154.1 (relating to applicability and purpose) sets forth the applicability of this chapter to entities under the Department's authority.

Section 154.2 (relating to definitions) sets forth the definitions necessary to clearly understand this chapter. Most of the definitions in this section have been adopted from the act to provide greater clarity and understanding to this chapter. The terms "act," "Commissioner," "Department," "gatekeeper," "licensed insurer," "ongoing course of

treatment" and "prospective enrollee," and their corresponding definitions have been added to provide greater clarity and understanding to this chapter.

Section 154.3 (relating to changes, modifications and disclosures in subscriber and other contracts and in other materials) sets forth how managed care plans shall implement changes to identified contracts and other materials to meet the requirements of the act.

Section 154.11 (relating to managed care plan requirements) sets forth the requirements under which managed care plans will allow enrollees with life threatening, degenerative or disabling diseases or conditions, to request and receive an evaluation and, if the plan's established standards are met, a standing referral to a specialist, or the designation of a specialist as a primary care provider. This section also establishes standards which plans may impose in meeting this requirement.

Section 154.12 (relating to direct enrollee access to obstetrical and gynecological services) sets forth the requirements under which managed care plans will allow enrollees direct access to obstetrical and gynecological services without prior approval from a primary care provider. This section clarifies that a plan may require the obstetrical or gynecological provider to obtain prior authorization for selected services such as diagnostic testing or subspecialty care. This section also establishes the time frame by which participating providers who provide direct obstetrical or gynecological services to enrollees must inform the enrollee's primary care provider of the services rendered. This section further sets forth coverage responsibilities for managed care plans with self-referral options.

Section 154.13 (relating to managed care plan reporting of complaints and grievances) sets forth the requirements for managed care plans to follow to report enrollee complaints and grievances to the Department.

Section 154.14 (relating to emergency services) sets forth the requirements applicable to coverage of emergency services by managed care plans. This section amplifies and clarifies the emergency services requirements of the act. This section also clarifies the requirements for emergency health care providers to notify managed care plans of the provision of emergency services to an enrollee.

Section 154.15 (relating to continuity of care) sets forth the requirements under which managed care plans shall provide the continuity of care option to an enrollee who is currently in an ongoing course of treatment with a provider that is terminated by the plan, or to a new enrollee, joining the plan, who is in an ongoing course of treatment with a nonparticipating provider. This section clarifies that the continuity of care provision is at the option of the enrollee. Providers under this section must agree to the managed care plan's terms and conditions for providing health care services.

Section 154.16 (relating to information for enrollees) sets forth the information that managed care plans shall provide to enrollees and, on written request, to prospective enrollees and health care providers. The information disclosed shall be in writing and shall be easily understandable to the layperson. This section also establishes the time periods for the disclosure of information to enrollees, prospective enrollees and health care providers.

Section 154.17 (relating to complaints) sets forth the requirements which managed care plans shall follow in accordance with the complaint processes established under the act. Managed care plans shall establish an

internal complaint process with two levels of review. Examples of complaints, which could then be appealed by an enrollee to the Department, are listed in this section. This section also includes the information that an enrollee needs to provide to the Department, when appealing a managed care plan's second level complaint decision.

Section 154.18 (relating to prompt payment) applies to managed care plans and licensed insurers (insurers). This section sets forth the requirements that insurers and managed care plans shall comply with to meet the prompt payment provisions of the act. The prompt payment provisions of the act and this chapter are not intended to supersede the unfair claims settlement practices provisions of the Department's regulations under the Unfair Insurance Practices Act (31 Pa. Code §§ 146.1—146.10) for the direct payment of claims to an insured or claimant. This section also sets forth the information health care providers need to provide to the Department to file a complaint.

#### *Fiscal Impact*

Adoption of these proposed regulations, consistent with the mandates of the act, may result in additional costs for the Commonwealth, managed care plans and licensed insurers. However, these proposed regulations are necessary for the Department to effectively implement, and for managed care plans and licensed insurers to comply with the act. Costs to the Commonwealth are not expected to be significant.

#### *Paperwork*

Adoption of these proposed regulations, consistent with the mandates of the act, may result in additional paperwork for the Commonwealth, managed care plans and licensed insurers. However, these proposed regulations are necessary for the Department to effectively implement, and for managed care plans and licensed insurers to comply with the act.

#### *Persons Regulated*

These proposed regulations apply to all managed care plans and licensed insurers issuing or underwriting health insurance contracts and policies in this Commonwealth.

#### *Contact Person*

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120 within 30 days following the publication of this notice in the *Pennsylvania Bulletin*.

Questions or comments may also be e-mailed to [psalvato@ins.state.pa.us](mailto:psalvato@ins.state.pa.us) or faxed to (717) 705-3873.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745(a)), on July 20, 1999, the Department submitted a copy of the proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. In addition to submitting these proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.



If IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the regulations by the Department, the General Assembly and the Governor.

DIANE KOKEN,  
*Insurance Commissioner*

(*Editor's Note:* See a notice regarding the Department of Health's proposed rulemaking at 29 Pa.B. 4064 (July 30, 1999).)

**Fiscal Note:** 11-195. No fiscal impact; (8) recommends adoption. These regulations may result in some additional costs to the Commonwealth. These costs are not considered to be significant.

## Annex A

### TITLE 31. INSURANCE

#### PART VIII. MISCELLANEOUS PROVISIONS

#### CHAPTER 154. QUALITY HEALTH CARE ACCOUNTABILITY AND PROTECTION

##### GENERAL PROVISIONS

- Sec.  
154.1. Applicability and purpose.  
154.2. Definitions.  
154.3. Changes, modifications and disclosures in subscriber and other contracts and in other materials.

##### REQUIRED PROVISIONS AND ENROLLEE DISCLOSURES

- 154.11. Managed care plan requirements.  
154.12. Direct enrollee access to obstetrical and gynecological services.  
154.13. Managed care plan reporting of complaints and grievances.  
154.14. Emergency services.  
154.15. Continuity of care.  
154.16. Information for enrollees.  
154.17. Complaints.  
154.18. Prompt payment.

##### GENERAL PROVISIONS

#### § 154.1. Applicability and purpose.

(a) This chapter governs quality health care accountability and protection and applies to managed care plans and licensed insurers subject to the act.

(b) The terms and conditions of group and individual contract renewals and new business written by managed care plans on or after January 1, 1999, shall conform to the act.

(c) An entity subcontracting with a managed care plan to provide services to enrollees which issues subscriber contracts covering enrollees shall meet the requirements of the act and this chapter for services provided to those enrollees.

(d) Cost plus products, or their equivalent, which partially insure an entity's risk, shall meet the requirements of the act if they are issued by a managed care plan.

#### § 154.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Article XXI of The Insurance Company Law of 1921 (40 P. S. §§ 991.2101—991.2193).

*Clean claim*—

(i) A claim for payment for a health care service which has no defect or impropriety. A defect or impropriety shall

include lack of required substantiating documentation or a particular circumstance requiring special treatment which prevents timely payment from being made on the claim.

(ii) The term does not include a claim from a health care provider who is under investigation for fraud or abuse regarding that claim.

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Complaint*—

(i) A dispute or objection regarding a participating health care provider or the coverage, operations or management policies of a managed care plan, which has not been resolved by the managed care plan and has been filed with the plan or with the Department of Health or the Department.

(ii) The term does not include a grievance.

*Department*—The Insurance Department of the Commonwealth.

*Emergency service*—

(i) Any health care service provided to an enrollee after the sudden onset of a medical condition, including a chronic condition, that manifests itself by acute symptoms of sufficient severity or severe pain, so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in one of the following:

(A) Placing the health of the enrollee, or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy.

(B) Serious impairment to bodily functions.

(C) Serious dysfunction of any bodily organ or part.

(ii) Emergency transportation and related emergency service provided by a licensed ambulance service constitutes an emergency service.

*Enrollee*—A policyholder, subscriber, covered person or other individual who is entitled to receive health care services under a managed care plan.

*Gatekeeper*—A primary care provider selected by an enrollee or appointed by a managed care plan, or the plan or an agent of the plan serving as the primary care provider, from whom an enrollee shall obtain covered health care services, a referral, or approval for covered, nonemergency health services as a precondition to receiving the highest level of coverage available under the managed care plan.

*Grievance*—

(i) As provided in section 2161 of the act (40 P. S. § 991.2161), a request by an enrollee or a health care provider, with the written consent of the enrollee, to have a managed care plan or utilization review entity reconsider a decision solely concerning the medical necessity and appropriateness of a health care service. If the managed care plan is unable to resolve the matter, a grievance may be filed regarding the decision that does one of the following:

(A) Disapproves full or partial payment for a requested health care service.

(B) Approves the provision of a requested health care service for a lesser scope or duration than requested.

(C) Disapproves payment for the provision of a requested health care service but approves payment for the provision of an alternative health care service.

(ii) The term does not include a complaint.

*Health care provider*—A licensed hospital or health care facility, medical equipment supplier or person who is licensed, certified or otherwise regulated to provide health care services under the laws of the Commonwealth, including a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician's assistant, chiropractor, dentist, pharmacist or an individual accredited or certified to provide behavioral health services.

*Health care service*—Any covered treatment, admission, procedure, medical supplies and equipment, or other services, including behavioral health, prescribed or otherwise provided or proposed to be provided by a health care provider to an enrollee under a managed care plan contract.

*Licensed insurer*—An individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyds insurer and other legal entity engaged in the business of insurance, and fraternal benefit societies as defined in the Fraternal Benefits Societies Code (40 P. S. §§ 1142-101—1142-701), and preferred provider organizations as defined in section 630 of the The Insurance Company Law of 1921 (40 P. S. § 764a) and § 152.2 (relating to definitions).

*Managed care plan*—

(i) A health care plan that: uses a gatekeeper to manage the utilization of health care services; integrates the financing and delivery of health care services to enrollees by arrangements with health care providers selected to participate on the basis of specific standards; and provides financial incentives for enrollees to use the participating health care providers in accordance with procedures established by the plan. A managed care plan includes health care arranged through an entity operating under any of the following:

(A) Section 630 of The Insurance Company Law of 1921.

(B) The Health Maintenance Organization Act (40 P. S. §§ 1551—1568).

(C) The Fraternal Benefit Societies Code.

(D) 40 Pa.C.S. Chapter 61 (relating to hospital plan corporations).

(E) 40 Pa.C.S. Chapter 63 (relating to professional health services plan corporations).

(ii) The term includes an entity, including a municipality, whether licensed or unlicensed, that contracts with or functions as a managed care plan to provide health care services to enrollees.

(iii) The term does not include ancillary service plans as defined by the act or an indemnity arrangement which is primarily fee for service.

*Ongoing course of treatment*—Continuous health care treatment which arises out of a single diagnosis provided to an enrollee by a health care provider.

*Plan*—A managed care plan.

*Primary care provider*—A health care provider who, within the scope of the provider's practice:

(i) Supervises, coordinates, prescribes or otherwise provides or proposes to provide health care services to an enrollee.

(ii) Initiates enrollee referral for specialist care.

(iii) Maintains continuity of enrollee care.

*Prospective enrollee*—For group contracts or policies, those persons eligible for coverage as either a subscriber or dependent of a subscriber. For individual contracts or policies, a person who meets the eligibility requirements of the managed care plan.

*Provider network*—The health care providers designated by a managed care plan to provide health care services.

*Utilization review*—A system of prospective, concurrent or retrospective utilization review, as defined by the act, performed by a utilization review entity of the medical necessity and appropriateness of health care services prescribed, provided or proposed to be provided to an enrollee. The term does not include any of the following:

(i) Requests for clarification of coverage, eligibility or health care service verification.

(ii) A health care provider's internal quality assurance or utilization review process unless the review results in denial of payment for a health care service.

*Utilization review entity*—An entity certified under section 2151 of the act (40 P. S. § 991.2151), which relates to utilization review certification, that performs utilization review on behalf of a managed care plan.

### **§ 154.3. Changes, modifications and disclosures in subscriber and other contracts and in other materials.**

Managed care plans shall implement changes, modifications and disclosures to subscriber and other contracts, marketing materials, member handbooks and other appropriate materials to meet the requirements of the act. Modifications can be implemented in several different ways including, contract endorsements, contract amendments and modification to the contract then in effect.

## **REQUIRED PROVISIONS AND ENROLLEE DISCLOSURES**

### **§ 154.11. Managed care plan requirements.**

(a) Managed care plans shall adopt and maintain procedures by which an enrollee with a life-threatening, degenerative or disabling disease or condition shall, upon request, receive an evaluation, and, if the plan's established standards are met, be permitted to receive either:

(1) A standing referral to a specialist with clinical expertise in treating the disease or condition.

(2) The designation of a specialist to provide and coordinate the enrollee's primary and specialty care.

(b) A managed care plan's established standards, as referenced in subsection (a) may include:

(1) Time restrictions on approved treatment plans which include standing referrals or specialist designations.

(2) Requirements that treatment plans be periodically reviewed and reapproved by the plan.

(3) Requirements that the specialist notify the enrollee's primary care provider of all care provided.

### **§ 154.12. Direct enrollee access to obstetrical and gynecological services.**

(a) Managed care plans shall permit enrollees direct access to obstetrical and gynecological services for maternity and gynecological care, including medically necessary and appropriate follow-up care and referrals, and for diagnostic testing related to maternity and gynecological care from participating health care providers without prior approval from a primary care provider.

(b) A managed care plan may require an obstetrical or gynecological provider to obtain prior authorization for selected services such as diagnostic testing or subspecialty care—for example, reproductive endocrinology, oncologic gynecology and maternal and fetal medicine.

(c) A directly accessed participating health care provider providing services to an enrollee who has direct access to the provider in accordance with section 2111(7) of the act (40 P.S. § 991.2111(7)) and this section, shall inform the enrollee's primary care provider, of all health care services provided to the enrollee. The health care provider shall communicate the information within 30 days of the services being provided under procedures established by the managed care plan.

(d) Managed care plans with enrollee self-referral options shall cover benefits provided by participating health care providers at the benefit level applicable to referred services.

### **§ 154.13. Managed care plan reporting of complaints and grievances.**

(a) Section 2111(13) of the act (40 P.S. § 991.2111(13)) requires managed care plans to report specific information to the Department of Health and the Department with respect to the number, type and disposition of all complaints and grievances filed with the managed care plan. Managed care plans shall report this information to the Department based on the format utilized to report information prior to the effective date of the act.

(b) Notice of changes or amendments to the format required by the Department for reporting complaint and grievance information to the Department will be published in the *Pennsylvania Bulletin*. The notice will provide for a 30-day public comment period. Changes in format will become effective 30 days after publication of the revised format in a subsequent edition of the *Pennsylvania Bulletin*.

### **§ 154.14. Emergency services.**

(a) Managed care plans are prohibited from requiring that enrollees or health care providers obtain prior authorization for emergency services as defined by section 2101 of the act (40 P.S. § 991.2102).

(b) Plans are required to pay all reasonably necessary costs associated with the emergency services provided during the period of the emergency.

(c) Plans are required to consider the presenting symptoms as documented by the claim, and the services provided, when processing claims for emergency services.

(d) The emergency health care provider shall notify the enrollee's managed care plan of the provision of emergency services and the condition of the enrollee.

(1) If the enrollee is admitted to a hospital or other health care facility, the emergency health care provider shall notify the enrollee's managed care plan of the emergency services delivered within 48 hours or on the next business day, whichever is later.

(2) If the enrollee is not admitted to a hospital or other health care facility, the claim for reimbursement for emergency services provided shall serve as notice to the enrollee's managed care plan of the emergency services provided by the emergency health care provider.

(e) Managed care plans shall supply each enrollee, and upon written request, each prospective enrollee or health care provider, with the information concerning emergency services in § 154.16(h) (relating to information for enrollees).

### **§ 154.15. Continuity of care.**

(a) Managed care plans are required to provide the option of continuity of care for enrollees when one of the following applies:

(1) A managed care plan terminates a contract with a participating provider for reasons other than for cause and the enrollee is then in an ongoing course of treatment with that provider.

(2) A new enrollee enters a managed care plan and is then in an ongoing course of treatment with a nonparticipating provider.

(b) A current enrollee shall be allowed to continue an ongoing course of treatment with a provider whose contract has been terminated for reasons other than for cause for a transitional period of up to 60 days from the date the enrollee was notified by the plan of the termination or pending termination. The managed care plan, in consultation with the enrollee and the health care provider, may extend the transitional period if determined to be clinically appropriate. For an enrollee in the second or third trimester of pregnancy at the time of notice of the termination or pending termination, the transitional period shall be extended through postpartum care related to the delivery.

(c) A new enrollee shall be allowed to continue an ongoing course of treatment with a nonparticipating provider when joining a managed care plan for a transitional period of up to 60 days from the effective date of enrollment in the managed care plan. The managed care plan, in consultation with the enrollee and the health care provider, may extend the transitional period if determined to be clinically appropriate. For an enrollee in the second or third trimester of pregnancy on the effective date of enrollment, the transitional period shall be extended through postpartum care related to the delivery.

(d) Continuity of care is at the option of the enrollee.

(e) Nonparticipating and terminated providers shall agree to the same terms and conditions which are applicable to the managed care plan's participating providers. If multiple providers are involved in an ongoing course of treatment, one of the following conditions shall be met:

(1) All of the providers involved shall agree to the plan's terms and conditions.

(2) Those providers who accept the plan's terms and conditions shall agree to utilize participating providers for the provision of all other health care services to enrollees.

(f) Health care services provided under the continuity of care requirements shall be covered by the managed care plan under the same terms and conditions as applicable for participating health care providers. To be eligible for payment by plans, providers shall agree to the terms and conditions of the managed care plan prior to providing service under the continuity of care provisions.

(g) Managed care plans may require nonparticipating or terminating providers to agree to terms that include:

(1) Accepting the plan's payment as payment in full for covered services, without balance billing, except for permitted deductibles, copayments or coinsurance.

(2) Agreeing to hold the enrollee harmless for any moneys which may be owed by the managed care plan to the provider.

(3) Complying with the plan's utilization review and quality assurance requirements.

(4) Agreeing to make referrals for specialty care, diagnostic testing and related services to the enrollee's current managed care plan's participating providers.

(5) Agreeing that nonemergency inpatient care will be provided at one of the enrollee's current managed care plan's participating hospitals or facilities.

(6) Agreeing that the provider will provide copies of the enrollee's medical records to the plan or the enrollee's participating primary care provider, or both, prior to the conclusion of the ongoing course of previously authorized treatment.

(7) Agreeing to follow the plan's procedures for recertification or prior approval of specified nonemergency services or procedures.

(h) Managed care plans may not require nonparticipating providers to undergo the plan's credentialing process as part of the continuity of care provision.

(i) Written disclosure of the continuity of care benefit requirements imposed under the act and this chapter shall be incorporated into the subscriber and master group contracts and all other appropriate documents. This information and other information necessary to provide continuity of care services shall also be provided in written form to terminated or terminating and nonparticipating providers within 10 days of notice to the plan that an enrollee is requesting continuity of care benefits.

#### **§ 154.16. Information for enrollees.**

(a) Managed care plans shall provide the written information in section 2136(a) of the act (40 P. S. § 991.2136(a)), which relates required disclosures, to enrollees and, on written request, to prospective enrollees and health care providers. Managed care plans may determine the format for disclosure of the required information. If the information is disclosed through materials such as subscriber contracts, schedules of benefits and enrollee handbooks, the information should be easily identifiable within the materials provided.

(b) The information disclosed to enrollees, prospective enrollees and health care providers shall be easily understandable to the layperson.

(c) The written disclosure of information shall include:

(1) The information specified in section 2136(a) of the act.

(2) A list by specialty of the name, address and telephone number of all participating health care providers. The list may be a separate document and shall be updated at least annually. If a list of participating providers for only a specific type of provider or service is provided, it shall include all participating providers authorized to provide those services.

(3) The information covered under section 2113(d)(2)(ii) of the act (40 P. S. § 991.2113(d)(2)(ii)), which relates to a medical "gag clause" prohibition. If applicable, managed

care plans shall disclose in their subscriber contracts, schedule of benefits and other appropriate material, circumstances under which the managed care plan does not provide for, reimburse for or cover counseling, referral, or other health care services due to a managed care plan's objections to the provision of the services on moral or religious grounds.

(d) For the purposes of the specified disclosure statement required by section 2136(a)(1) of the act, subscriber and group master contracts and riders, amendments and endorsements, do not constitute "marketing materials" subject to the specified disclosure statement.

(e) For group contracts and policies, the managed care plan shall assure that the required disclosure information is provided to prospective enrollees upon written request. The managed care plan can either provide the information directly to prospective enrollees or allow the group policy holder or another entity to provide the information to prospective enrollees on behalf of the managed care plan.

(f) For individual contracts and policies, the managed care plan shall provide the required disclosure information directly to prospective enrollees upon written request.

(g) The disclosure of information to enrollees, prospective enrollees and health care providers as required by section 2136 of the act shall be provided as follows:

(1) During open enrollment periods managed care plans may disclose summary information to enrollees and prospective enrollees. If the disclosure of information does not include all the information required by the act and this chapter, the managed care plan shall simultaneously provide enrollees and prospective enrollees with a list of other information which has not been included with the open enrollment information. The listed information shall be made available to enrollees and prospective enrollees upon request.

(2) Following initial enrollment, or upon renewal, if benefits or networks have changed since the initial enrollment or last renewal, disclosure information should be provided to enrollees within 30 days of the effective date of the contract or policy, renewal date of coverage, if appropriate, or the date of request for the information.

(3) Disclosure information requested by prospective enrollees shall be provided to prospective enrollees within 30 days of the date of the written request for the information.

(4) Disclosure information requested by health care providers shall be provided to health care providers within 45 days of the date of the written request for the information.

(h) Managed care plans shall supply each enrollee, and upon written request, each prospective enrollee or health care provider, with the following information which shall be contained and incorporated into subscriber and master group contracts and all other appropriate documents:

(1) A description of the procedures for providing emergency services 24 hours a day.

(2) A definition of "emergency services," consistent with the act.

(3) Notice that emergency services are not subject to prior approval.

(4) The enrollee's financial and other responsibilities regarding emergency services, including the receipt of these services outside the managed care plan's service area.

(i) Managed care plans, upon written request by enrollees or prospective enrollees, shall provide written information as specified in section 2136(b) of the act. This information shall be easily understandable to the layperson.

#### **§ 154.17. Complaints.**

(a) Under the complaint process established by the act, the Department will consider complaints regarding issues of contract exclusions and noncovered benefit disputes. The grievance process, which is administered by the Department of Health, includes review of the medical necessity and appropriateness of services otherwise covered by the managed care plan. Examples of the types of complaints which may be filed with the Department include:

(1) Denial of payment by the plan based upon contractual limitation rather than on medical necessity—for example, denial of payment for a visit by an enrollee on the basis that the enrollee failed to meet the contractual requirement of obtaining a referral from a primary care provider. However, a primary care provider's refusal to make an enrollee referral to a specialist, on the basis that the referral is not medically necessary, would be considered a grievance.

(2) Disputes involving a noncovered benefit or contract exclusion—for example, a request for additional physical therapy services, even if medically necessary, beyond the number specified in the enrollee contract.

(3) Problems relating to one or more of the following:

- (i) Coordination of benefits.
- (ii) Subrogation.
- (iii) Conversion coverage.
- (iv) Alleged nonpayment of premium.
- (v) Dependent coverage.
- (vi) Involuntary disenrollment.

(b) Managed care plans shall establish an internal complaint process with two levels of review to allow enrollees to file oral and written complaints regarding a participating health care provider or the coverage, operations or management policies of the plan.

(c) Inquiries regarding premium rate increases do not constitute "appeals" and may be filed with the Department without the necessity of following the plan's internal complaint process.

(d) Managed care plans may establish time frames, of at least 30 days, for the filing of complaints and grievances with the plan.

(e) Managed care plans shall complete the initial level of review of an enrollee complaint within 30 days of receipt of the complaint. The plan shall notify the enrollee in writing of the plan's decision following the initial review within 5 business days of the decision. The notification shall include the basis for the decision and the procedure to file a request for a second level review of the decision of the initial review committee.

(f) Managed care plans shall complete the second level of review of an enrollee complaint within 45 days of receipt of the enrollee's request for review. The plan shall notify the enrollee in writing within 5 business days of the rendering of a decision by the second level complaint review committee, including the basis for the decision and the procedure for appealing the decision to the Department or the Department of Health.

(g) Enrollees shall follow and complete the plan's internal complaint process before filing an appeal of the complaint decision with the Department or the Department of Health.

(h) Appeals of complaints shall be submitted to the Department within 15 days of receipt of notice of the second level review committee's decision.

(i) Appeals of complaints to the Department shall include information such as:

(1) The enrollee's name, address and daytime phone number.

(2) The enrollee's policy number, identification number and group number (if applicable).

(3) A copy of the complaint submitted to the managed care plan.

(4) The reasons for appealing the managed care plan's decision.

(5) Correspondence and decisions from the managed care plan regarding the complaint.

(j) If the Department believes that the appeal more appropriately relates to issues and matters under the jurisdiction of the Department of Health—for example, an issue involving quality of care—the Department will notify the enrollee and the managed care plan in writing of this determination and promptly transmit the appeal to the Department of Health for consideration. The original submission date of the appeal will be utilized to determine compliance with the filing time frame provided for in section 2142(a) of the act (40 P.S. § 991.2142(a)), which relates to the appeal of a complaint.

(k) The Department and the Department of Health share the statutory responsibility to regulate the enrollee and managed care plan complaint process. The Department will focus on the review of cases which concern the potential violation of insurance statutes, including the Unfair Insurance Practices Act (40 P.S. §§ 1171.1—1171.15). The Department of Health will focus on complaint issues primarily involving enrollee quality of care and quality of service.

(l) Complaint appeals under subsection (i) may be filed with the Department at the following address:

Pennsylvania Insurance Department  
Bureau of Consumer Services  
1321 Strawberry Square  
Harrisburg, Pennsylvania 17120

#### **§ 154.18. Prompt payment.**

(a) Licensed insurers and managed care plans shall pay clean claims submitted by a health care provider for services provided on or after January 1, 1999, within 45 days of the licensed insurer's or managed care plan's receipt of the clean claim from the health care provider.

(b) For purposes of prompt payment, a claim shall be deemed to have been "paid" upon one of the following:

(1) A check is mailed by the licensed insurer or managed care plan to the health care provider.

(2) An electronic transfer of funds is made from the licensed insurer or managed care plan to the health care provider.

(c) Interest due to a health care provider on a clean claim shall be calculated and paid by the licensed insurer or managed care plan to the health care provider and shall be added to the amount owed on the clean claim. The interest shall be paid at the time of payment of the

claim. Interest owed of less than \$2 on a single claim does not have to be paid by the licensed insurer or managed care plan. Interest can be paid on the same check as the claim payment or on a separate check. If the licensed insurer or managed care plan combines interest payments for more than one late clean claim, the check shall include information listing each claim covered by the check and the specific amount of interest being paid for each claim.

(d) Claims paid by a licensed insurer or managed care plan are considered clean claims and are subject to the interest provisions of the act. If a paid claim is re-adjudicated by the licensed insurer or managed care plan, the 45-day period for the prompt payment provision begins again at the time additional information prompting the readjudication is provided to the plan. Additional moneys which are owed or paid to the health care provider are subject to the prompt payment provisions of the act and this chapter. The prompt payment requirement of the act also applies to the uncontested portion of a contested claim. A contested claim is a claim for which required substantiating documentation has been supplied to the licensed insurer or managed care plan, but where the licensed insurer or managed care plan has determined that it is not obligated to make payment.

(e) Prior to filing a complaint with the Department, health care providers who believe that a licensed insurer or managed care plan has not paid a clean claim in accordance with the act and this chapter should first contact the licensed insurer or managed care plan to determine the status of the claim, to ensure that sufficient documentation supporting the claim has been provided, and to determine whether the claim is considered by the licensed insurer or the managed care plan to be a clean claim. Licensed insurers and managed care plans shall respond to the health care provider's inquiries regarding the status of unpaid claims within a reasonable period of time.

(f) Health care providers may file a complaint with the Department prior to receipt of a determination from a licensed insurer or managed care plan as to whether a claim is considered a clean claim if one of the following applies:

(1) The licensed insurer or managed care plan has not responded to a health care provider's inquiries regarding the status of an unpaid claim within a reasonable period of time.

(2) The health care provider believes that the licensed insurer or managed care plan is otherwise not complying with the prompt payment provisions of the act.

(g) Complaints to the Department regarding the prompt payment of claims by a licensed insurer or managed care plan under the act and this chapter shall contain the following information:

(1) The provider's name, address and daytime telephone number and the claim number.

(2) The name and address of the licensed insurer or managed care plan.

(3) The name of the patient and employer.

(4) The dates of service and the dates the claims were submitted to the licensed insurer or managed care plan.

(5) Relevant correspondence between the provider and the licensed insurer or managed care plan, including requests for additional information from the licensed insurer or managed care plan.

(6) Additional information which the provider believes would be of assistance in the Department's review.

## **PART X. HEALTH MAINTENANCE ORGANIZATIONS**

### **CHAPTER 301. HEALTH MAINTENANCE ORGANIZATIONS**

*(Editor's Note: Chapter 301, Subchapter J is proposed to be deleted. For the text of the existing statement of policy, see 31 Pa. Code pages 301-33 to 301-41, serial pages (249129) to (249137).)*

#### **Subchapter J. (Reserved)**

#### **§§ 301.401—301.403. (Reserved).**

#### **§§ 301.411—301.416. (Reserved).**

[Pa.B. Doc. No. 99-1228. Filed for public inspection July 30, 1999, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective July 19, 1999.

The organization chart at 29 Pa.B. 4073 (July 31, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 99-1229. Filed for public inspection July 30, 1999, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH.9]

#### Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective July 15, 1999.

The organization chart at 29 Pa.B. 4074 (July 31, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 99-1230. Filed for public inspection July 30, 1999, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

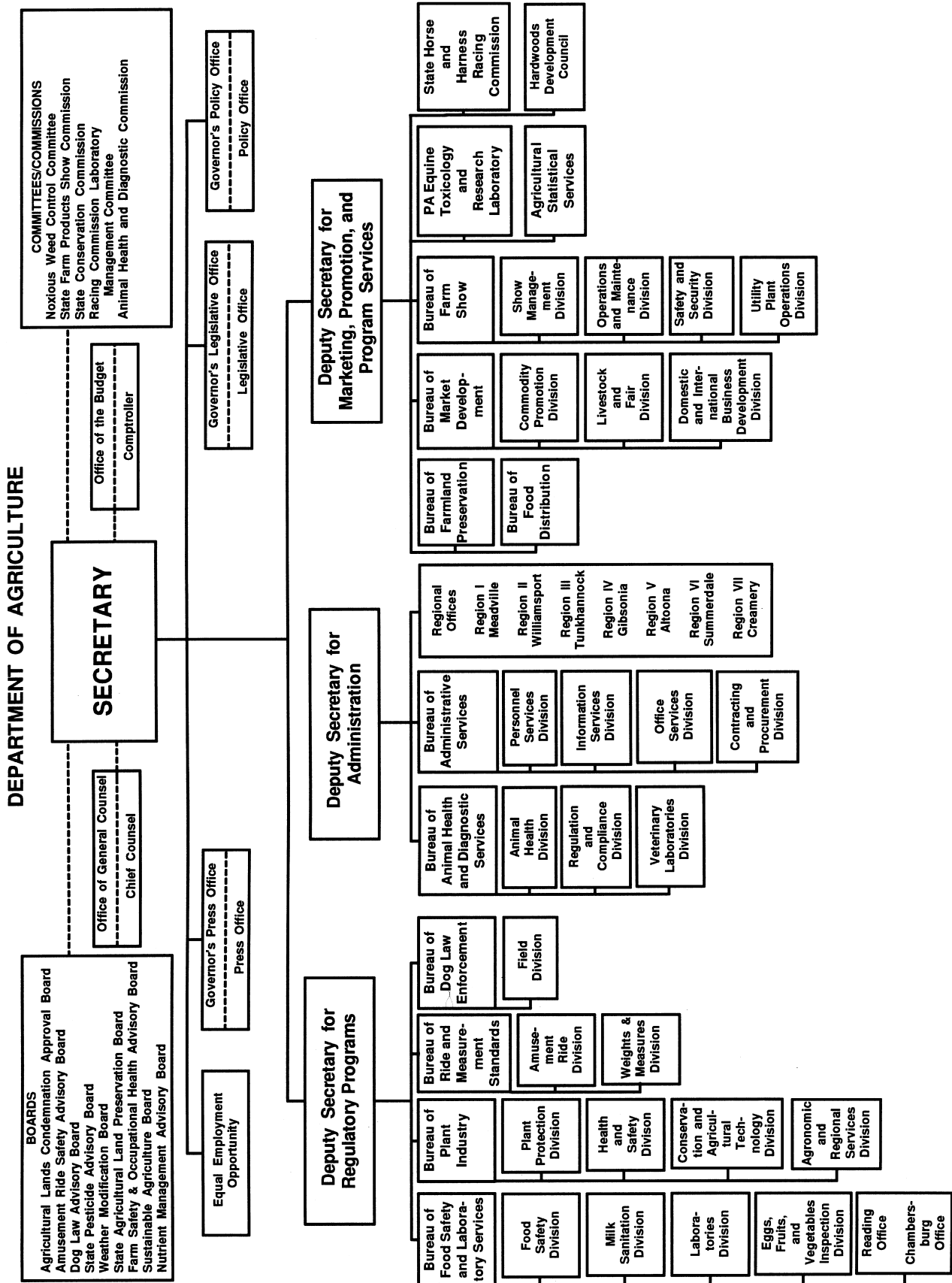
#### Reorganization of the State Police

The Executive Board approved a reorganization of the State Police effective July 19, 1999.

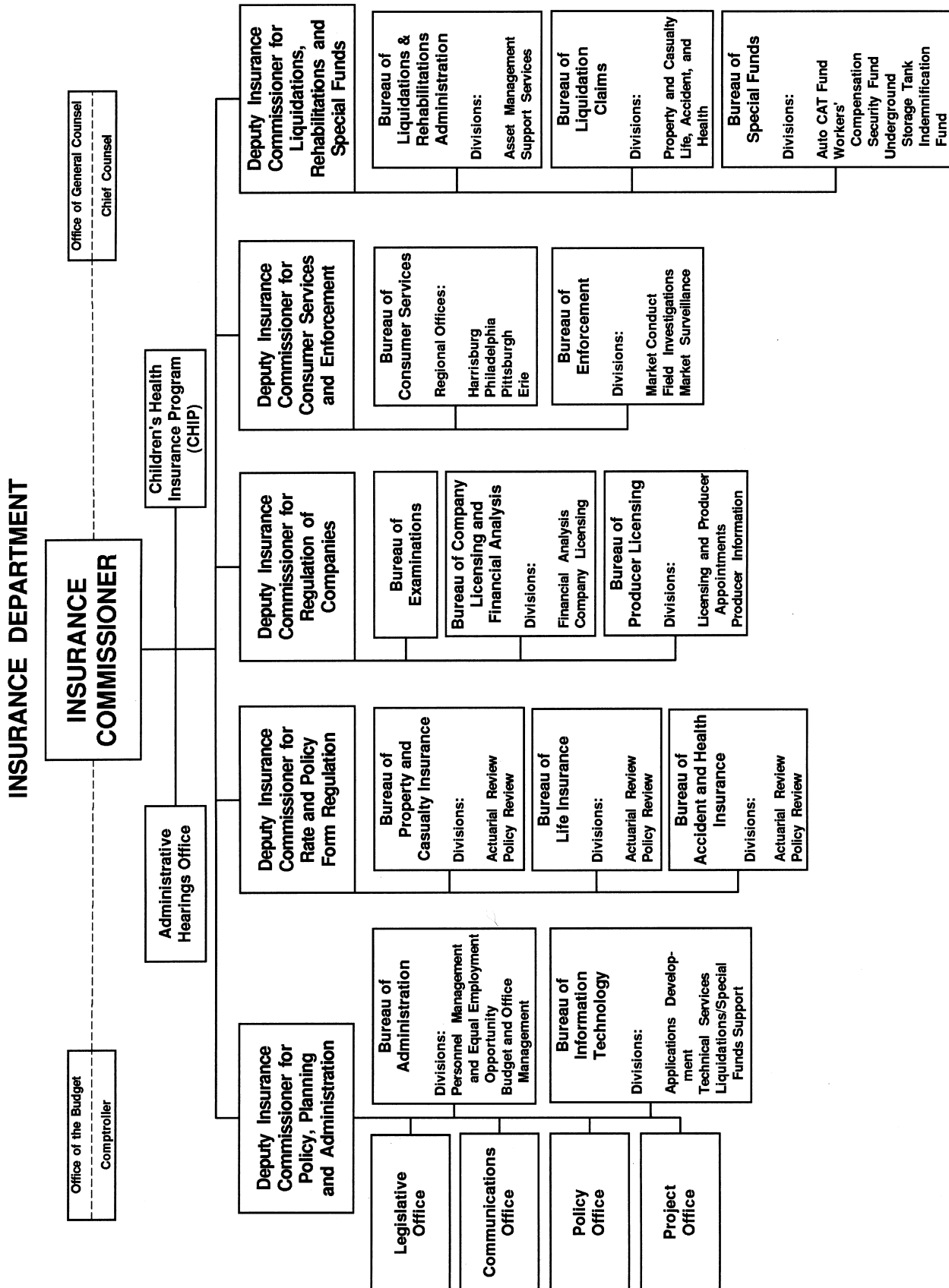
The organization chart at 29 Pa.B. 4075 (July 31, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

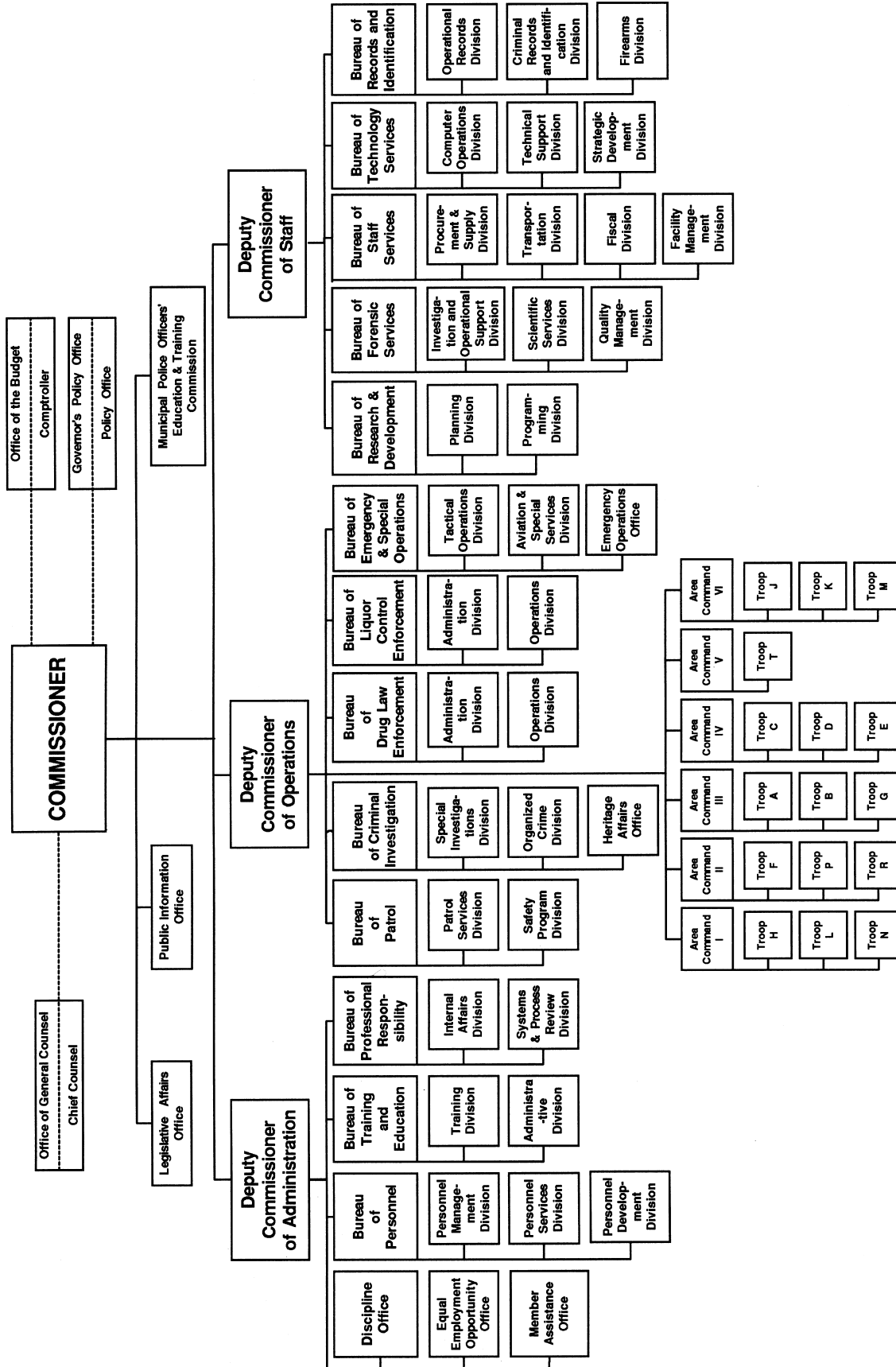
[Pa.B. Doc. No. 99-1231. Filed for public inspection July 30, 1999, 9:00 a.m.]







## PENNSYLVANIA STATE POLICE



# Title 31—INSURANCE

## INSURANCE DEPARTMENT

### [31 PA. CODE CH. 68]

#### Motor Vehicle Financial Responsibility Law

The Insurance Department (Department) deletes Chapter 68, Subchapters B, C and F and Appendices A and B to read as set forth in Annex A. The statement of policy was originally published at 20 Pa.B. 2166 (April 20, 1999). The statement of policy was effective July 1, 1990.

#### *Purpose*

The Department recommends these statements of policy for deletion. The original intent of the statements of policy was to notify the insurance industry of the Department's position regarding changes to 75 Pa.C.S. Chapter 17 (relating to the Motor Vehicle Financial Responsibility Law) (act). Both the passage of time and examination of market practices have led to the adoption of the statements of policy as standard industry practice, thereby making the statements of policy obsolete. Additionally, significant portions of the statements of policy are now moot as they related to rate and form filings to be made with the Department by 1990.

#### *Explanation of Regulatory Changes*

Chapter 68, Subchapter B is being deleted because these provisions are redundant and unnecessary as they are sufficiently addressed within the act. Additionally, § 68.112 is obsolete as it required filing endorsements by May 1, 1990, and now serves no further purpose. Finally, the Department, through its market conduct activities, will continue to monitor insurers to ensure compliance with statutory requirements for filing and approval of forms.

Chapter 68, Subchapter C is being deleted because these provisions are redundant and unnecessary as they are sufficiently addressed within the act. Additionally, the rate and rule filings required by this chapter are now obsolete as they related to rate and rule filings required to be filed in 1990.

Chapter 68, Subchapter D was previously deleted on October 27, 1997. See 27 Pa.B. 5502 (October 25, 1997).

Chapter 68, Subchapter E is being deleted because the requirements of this chapter expired in 1990 and are now obsolete. Additionally, the required contents of antifraud plans in § 68.401(b) is now addressed in 75 Pa.C.S. § 1812 (relating to content of plans). The requirement for a Motor Vehicle Insurance Fraud Index Bureau in § 68.402 has been superseded by 75 Pa.C.S. §§ 1821—1823 (relating to comprehensive database system) which only requires membership of insurance companies in a Comprehensive Database System.

Chapter 68, Subchapter F and Appendices A and B are being deleted because these provisions relate to filing guidelines for July 1, 1991, through June 30, 1992, and are, therefore, now moot.

Following careful review, the Department decided to delete these statements of policy for the following reasons. First, the deletion of these statements of policy in no manner affect the insurance availability and consumer protections afforded by the statute. Second, many of the provisions of the statements of policy are now moot and their continued presence will only serve to confuse. Finally, the Department's ongoing market conduct examinations and random field surveys of producers and insur-

ers have not revealed that the notice and guidance that is offered by these statements of policy are necessary at this time. For all of the foregoing reasons, it is no longer necessary to continue the publication of these statements of policy within the body of the Department's regulations.

#### *Affected Parties*

There are no parties affected by the deletion of these statements of policy.

#### *Fiscal Impact*

The deletion of these statements of policy has no fiscal impact.

#### *Paperwork*

The deletion of these statements of policy has no impact on paperwork.

#### *Effectiveness/Sunset Date*

The deletion of these statements of policy will become effective upon publication in the *Pennsylvania Bulletin*. Because the Department is deleting outdated statements of policy, no sunset date has been assigned.

#### *Contact Person*

The person to contact for information on the deletion of these statements of policy is Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Requests for additional information may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 705-3873.

(*Editor's Note:* The regulations of the Insurance Department, 31 Pa. Code Chapter 68, are amending by deleting a statement of policy in §§ 68.101—68.113, 68.201—68.206, 68.401, 68.402, 68.601—68.604 and Appendices A and B to read as set forth in Annex A.)

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-189. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 31. INSURANCE

#### PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE

#### CHAPTER 68. MOTOR VEHICLE FINANCIAL RESPONSIBILITY LAW AMENDMENTS—STATEMENTS OF POLICY

#### Subchapter B. (Reserved)

§§ 68.101—68.113. (Reserved).

#### Subchapter C. (Reserved)

§§ 68.201—68.206. (Reserved).

#### Subchapter E. (Reserved)

§ 68.401. (Reserved).

§ 68.402. (Reserved).

#### Subchapter F. (Reserved)

§§ 68.601—68.604. (Reserved).

#### Appendix A. (Reserved)

#### Appendix B. (Reserved)

[Pa.B. Doc. No. 99-1232. Filed for public inspection July 30, 1999, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 20, 1999.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-13-99	Sky Financial Group, Inc., Bowling Green, Ohio, to acquire 100% of the voting shares of First Western Bancorp, Inc., New Castle, Pennsylvania	Bowling Green, Ohio	Approved
7-14-99	BT Financial Corporation, Johnstown, to acquire 100% of the voting shares of First Philson Financial Corporation, Berlin	Johnstown	Effective

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-12-99	Northern State Bank Towanda Bradford County	304 Main Street Towanda Bradford County	Commenced Operations

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-15-99	Laurel Bank, Johnstown, and First Philson Bank, N.A., Berlin Surviving Institution—Laurel Bank, Johnstown	Johnstown	Effective
	<i>Branches Acquired By Merger:</i>		
	2066 Indian Head Road Indiana Head Fayette County	2937 New Centerville Road Rockwood Somerset County	
	4640 National Pike Markleysburg Fayette County	1235 Main Street Shanksville Somerset County	
	534 Main Street Berlin Somerset County	509 East Main Street Somerset Somerset County	
	506 Main Street Berlin Somerset County	100 East Main Street Stoystown Somerset County	
	508-510 Hughart Street Confluence Somerset County		
7-15-99	The Peoples State Bank East Berlin Adams County	East Berlin	Approved
	Purchase of assets/assumption of liabilities of one branch office of Sovereign Bank, F.S.B., Wyomissing, Located at:		

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	29 North Washington Street Gettysburg Adams County		
7-15-99	Port Richmond Savings, Philadelphia, and Gorgas Savings Association, Philadelphia Surviving Institution—Port Richmond Savings, Philadelphia	Philadelphia	Filed
7-16-99	Northwest Savings Bank Warren Warren County	Warren	Approved
	Purchase of assets/assumption of liabilities of eight branch offices of PNC Bank, N.A., Pittsburgh, Located at:		
	475 Theatre Drive Johnstown Cambria County	Walnut & West Spruce Sts. Marienville Forest County	
	Lyter Drive & Entrance Way Johnstown Cambria County	428 Main Street Smethport McKean County	
	225-227 Franklin Street Johnstown Cambria County	5 Buckingham Street Tidioute Warren County	
	221 Elm Street Tionesta Forest County	101 South Main Street Sheffield Warren County	

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-19-99	First Heritage Bank Wilkes-Barre Luzerne County	R. D. 1 Airport Beltway Hazleton Luzerne County	Approved
7-19-99	Harris Savings Bank Harrisburg Dauphin County	Shoppes at Kissel Village Route 501 Lititz Warwick Township Lancaster County	Approved
7-19-99	Woodlands Bank Williamsport Lycoming County	213 W. Fourth Street Williamsport Lycoming County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-19-99	Parkvale Savings Bank Monroeville Allegheny County	<i>To:</i> Brodhead Road and Mill Street Aliquippa Beaver County  <i>From:</i> 913 23rd Street Aliquippa Beaver County	Approved

**SAVINGS ASSOCIATIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
7-13-99	Cheltenham Hills Savings Association, Abington, and Resolute Savings and Loan Association, Philadelphia Surviving Institution—Cheltenham Hills Savings Association, Abington	Abington	Approved

**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
7-19-99	Chestnut Street Building and Loan Association Philadelphia Philadelphia County	Certificate of Election for voluntary dissolution filed. Effective as of close of business July 19, 1999.

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 99-1233. Filed for public inspection July 30, 1999, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Pennsylvania Rivers Conservation Registry**

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the "Monocacy Creek Rivers Conservation Management Plan" and is placing the Monocacy Creek, the watershed and all tributaries covered in the Plan in Lehigh and Northampton Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Wildlands Conservancy submitted the Monocacy Creek Conservation Plan and other required information to gain Registry status.

After review of the Plan and other information, the DCNR has determined that the Keystone Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

1. The watershed area of Monocacy Creek (Lehigh and Northampton Counties) from the headwaters to its confluence with the Lehigh River—48.8 square miles.
2. All tributary streams within the Monocacy Creek Watershed.

This action becomes effective July 31, 1999. Projects identified in the Monocacy Creek Rivers Conservation Management Plan become eligible for implementation, development or acquisition grant funding through the Keystone Rivers Conservation Program.

A copy of the Final Plan is available for review at Wildlands Conservancy, 3701 Orchid Place, Emmaus, PA 18049, (610) 965-4397 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are on file at the Wildlands Conservancy.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 99-1234. Filed for public inspection July 30, 1999, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

**Application of Pennsylvania School of Art and Design for Approval of Change of Status to College***Notice of Opportunity for Hearing and Invitation to Protest*

Under 24 Pa.C.S.A. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Pennsylvania School of Art and Design for a Certificate of Authority approving the institution's change of status to operate as a college granting the Bachelor of Fine Arts degree.

In accordance with 24 Pa.C.S.A. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest generally; and effect of protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333 (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Dr. Evans at (717) 787-7572 to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 99-1235. Filed for public inspection July 30, 1999, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

##### [National Pollution Discharge Elimination System Program (NPDES)]

##### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations the Department of Environmental Protection (Department) proposes to issue a permit to discharge subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**PA 0020397, Amendment No. 1.** Sewage, **Borough of Bridgeport**, Borough Hall, 4th and Mill Streets, Bridgeport, PA 19405.

This application is for an amendment of an NPDES permit to revise CSO Long Term Control Plan Schedule for Bridgeport wastewater treatment plant in Upper Merion Township, **Montgomery County**. The permittee shall develop and submit to the Department a CSO Long Term Control Plan within 18 months of the permit amendment issuance date.

##### *Other Conditions:*

The EPA waiver is not in effect.  
CSO Condition

**PA 0057738.** Sewage, **PA DCNR Bureau of State Parks**, Delaware Canal State Park—Virginia Forest Picnic Area, Route 32, Solebury, PA 18983.

This application is for issuance of an NPDES permit to discharge treated sewage from a small flow treatment plant serving a comfort station in Solebury Township, **Bucks County**. This is a new discharge to the Delaware River.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.0008 mgd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.*

**PA 0063916.** Sewerage, **John Betz**, 805 South Front Street, Allentown, PA 18103.

This proposed action is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant into an unnamed tributary to Indian Creek in Upper Milford Township, **Lehigh County**.

The receiving stream is classified for the following uses: aquatic life, warm water fishery, water supply and recreation.

Effluent limits for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics are evaluated at the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of .0005 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	monitor and report	

The EPA waiver is in effect.

**PA 0061697.** Industrial waste, SIC: 4911, **Gilberton Power Company**, 50 Eleanor Avenue, Frackville, PA 17931.

This proposed action is for renewal of an NPDES permit to discharge treated wastewater into Mahanoy Creek in Mahanoy Township, **Schuylkill County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidate Water Company at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.364 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Free Available Chlorine		0.20	0.50
Total Chromium		0.20	
Total Zinc		1.00	
Oil and Grease	15		30
Total Iron		monitor and report	
Total Manganese		monitor and report	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

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*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0088153.** Industrial waste, SIC: 5171, **Columbia Petroleum Corporation (New Kingstown Terminal)**, P. O. Box 278, Richland, PA 17087.

This application is for issuance of an NPDES permit for an existing discharge of treated industrial waste to a swale to Hogestown Run, in Silver Spring Township, **Cumberland County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the PA American Water Company located in Silver Spring Township, Cumberland County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Petroleum Hydrocarbons	XXX	monitor and report	XXX

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.



**PA 0088145.** Industrial waste, SIC: 5171, **Columbia Petroleum Corporation**, 225 East Main Street, Richland, PA 17087.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary to Codorus Creek, in West Manchester Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Wrightsville Water Company located in Wrightsville, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons		monitor and report	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0088218.** Sewage, SIC: 6514, **Amos B. Blank**, 12540 Mongul Hill Road, Shippensburg, PA 17257.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Conodoguinet Creek, in Southampton Township, **Franklin County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Borough of Carlisle located in North Middleton Township, Cumberland County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0012 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	XXX	50
Total Suspended Solids	30	XXX	60
Total Residual Chlorine	1.0	XXX	2.0
pH		from 6.0—9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0086495.** Industrial waste, SIC: 3442, **Metal Industries Home Products, Inc.**, P. O. Box M, Route 209 East, Elizabethville, PA 17023.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Wiconisco Creek, in Gratz Borough, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.024 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH (s.u.)		from 6.0—9.0 inclusive	
D.O.	5.0	XXX	XXX
Total Suspended Solids	10	XXX	20
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	XXX	20
(11-1 to 4-30)	20	XXX	40
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0	XXX	6.0
(11-1 to 4-30)	9.0	XXX	18.0
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0088188.** Sewage, SIC: 4952, **Gratz Borough Municipal Authority**, P. O. Box 305, Gratz, PA 17030-0305.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Wiconisco Creek, in Gratz Borough, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.124 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5	XXX	7.0
(11-1 to 4-30)	10.5	XXX	21.0
Total Residual Chlorine	0.35	XXX	1.15
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,500/100 ml as a geometric average	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0083887.** Sewage, SIC: 6515, **Secrest Mobile Home Park**, P. O. Box 454, New Kingstown, PA 17072-0454.

This application is for amendment of an NPDES permit for a new (expanded) discharge of treated sewage to Brush Creek, in East Providence Township, **Bedford County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Saxton Borough on the Raystown Branch located in Saxton Borough, Bedford County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0205 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Phosphorus	2	4
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0—9.0 inclusive	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	27,000/100 ml as a geometric average	

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**NPDES Permit PA0087980 and WQM Permit 2898201.** Agway Agricultural Products, 512 West King Street, Shippensburg, PA 17257, has submitted applications to the Department of Environmental Protection (Department) for an individual NPDES permit and a Water Quality Management (WQM) Part II permit relating to a concentrated animal feeding operation (CAFO). The CAFO will be located at 13655 Dream Highway in Lurgan Township, **Franklin County**. The CAFO will be in the Conodoguinet Creek watershed, which is classified

as a warm water fishery. The individual NPDES permit application relates to the operation of the proposed CAFO and the WQM Part II permit application relates to the construction and operation of the manure storage and handling facilities at the CAFO.

The proposed CAFO will have 3,600 heifers ranging from 100 to 1,200 pounds. Two manure storage facilities with a total capacity of 9.1 million gallons will be constructed to serve the needs of the operation. Each manure storage facility will be a clay lined impoundment

to comply with the requirements of the Pennsylvania Technical Guides. Groundwater monitoring will be provided in compliance with the requirements of the Department's Final Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations, 29 Pa.B. 1439 (March 13, 1999). The operation will be designed so that there will be no release or discharge to waters of this Commonwealth under normal operating conditions.

The Department has conducted administrative and technical reviews of the applications. On the basis of preliminary review and application of lawful standards and regulations and the Final CAFO Strategy, the Department has made a tentative decision to issue an individual NPDES permit PA0087980 and a WQM Part II permit 2898201 for the operation subject to the terms, conditions, limitations, monitoring and reporting requirements specified in the respective draft permits.

The proposed permits, the permit applications and associated material are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) does not apply to the General NPDES permit. The Administrator of EPA Region III may review or object to any proposed NPDES permit actions.

Persons wishing to comment on the proposed permit actions are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determinations regarding the application. Comments should include the name, address and telephone number

of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest significant.

Following the 30-day comment period, the Water Quality Management Program Manager will make the final determination regarding the proposed permits. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.*

**PA 0009431. SIC: 4941, Pennsylvania-American Water Company, (White Deer Creek Filter Plant), 105 Sodom Road, Milton, PA 17847.**

This proposed action is for renewal of an NPDES permit for an existing discharge of sludge drying bed filtrate and noncontact cooling water to White Deer Creek.

The receiving stream is classified for the following uses: high quality cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located 10 miles downstream on the Susquehanna River at Milton.

*Outfall 001:*

The proposed effluent limits, based on a design flow of 0.001 mgd, are:

<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)					
pH (std. units)	within the range 6.0—9.0				
TSS		30		60	75
Aluminum		4.0		8.0	10.0
Iron		2.0		4.0	5.0
Manganese		1.0		2.0	2.5
Total Cl <sub>2</sub> Residual		monitor*			monitor*

*Outfall 002:*

The proposed effluent limits, based on a design flow of 0.002 mgd, are:

<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Cl <sub>2</sub> Residual		monitor*			monitor
pH (std. units)	within the range 6.0—9.0				

*Other Conditions:*

1. The permittee shall, within 3 years of the effective date of this permit, provide for effective dechlorination of the chlorinated effluent. Dechlorination processes employed shall remove total residual chlorine in the final effluent down to levels which are generally below detectability, and which at no time exceed 0.05 mg/l. Prior to installation of dechlorination devices, the permittee shall obtain approval from the Department for the design of the devices.

The EPA waiver is in effect.

**PA 0228125. Industrial waste, SIC: 4911, PP&L, Inc., Two North Ninth Street, Allentown, PA 18101.**

This proposed action is for issuance of an NPDES permit for two existing discharges from the two fly ash basins that were used for fly ash storage for the Sunbury Steam Electric Generation Station in Shamokin Dam Borough, **Snyder County**. One basin is closed and the other is in the process of being closed. These discharges will consist of stormwater when closure is completed. These two discharges are being removed from the permit for the Steam Electric Generation

Station since the basins will no longer be used and will not be included in the pending sale of the station. Both basin discharges are to unnamed tributaries to the Susquehanna River.

The receiving streams are classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dolphin Consolidated Water Company located approximately 50 river miles downstream.

Outfall 033 and Outfall 037 (after ash basin closure): Outfall 033 is an existing discharge of stormwater from ash basin no. 3 which was closed in 1989. Outfall 037 will consist of stormwater discharges from fly ash basin no. 2 after closure. The proposed effluent limitations for both discharges are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	monitor and report		
Total Arsenic	monitor and report		
Total Chromium	monitor and report		
Total Lead	monitor and report		

Outfall 037 (before ash basin closure): Outfall 037 was an existing discharge of treated fly ash transport water from ash basin no. 2. This ash basin is in the process of being closed and no longer receives fly ash transport water. The proposed effluent limitations are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	125
Oil and Grease	15	20	30
Total Antimony	monitor and report		
Total Beryllium	monitor and report		
Total Selenium	monitor and report		
Total Thallium	monitor and report		
Total PCBs	monitor and report		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0114286.** Sewerage, SIC: 4952, **New Albany Borough**, P. O. Box 67, New Albany, PA 18833-0067.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to South Branch Towanda Creek in New Albany Borough, **Bradford County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Water Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.04 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Ammonia-N (5-1 to 10-31)	13.5	20	27
Total Cl <sub>2</sub> Residual	0.8		2.6
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0114049.** SIC: 4952, **Municipal Authority of Lewis Township**, P. O. Box 51, Millmony, PA 17845.

This proposed action is for renewal of an NPDES permit for an existing discharge of 0.0335 mgd of treated sewage to Cold Run in Lewis Township, **Union County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Authority located 65 river miles downstream on the Susquehanna River.

The proposed effluent limits for Outfall 001, until plant expansion, based on a design flow of 0.0335 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	6	9	12
(11-1 to 4-30)	18	27	36
TRC	1.0		2.3
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		

*Other Conditions:* none

The EPA waiver is in effect.

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*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA 0034851.** Sewage, **Sewer Authority of Parker City**, P. O. Box 350, Parker, PA 16049.

This application is for renewal of an NPDES permit to discharge treated sewage from Parker City STP in Parker City, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA-American Water Company, Butler District, on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.30 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Formaldehyde		monitor and report		
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:* An effluent limitation for formaldehyde was evaluated based on a human health criterion of 0.7 mg/l.

The EPA waiver is in effect.

**PA 0045802.** Sewage, **Franklin A. and Janet E. Taddeo**, Pineview Manor Park, P. O. Box 297, Elizabeth, PA 15037.

This application is for renewal of an NPDES permit to discharge treated sewage from the Pineview Manor MHP STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Sewickley Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

*Outfall 001:* existing discharge, design flow of .018 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		
		<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5			10
(11-1 to 4-30)	15			30
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			2.3

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0096211.** Sewage, **Hempfield Township Municipal Authority**, R. D. 6, Box 501, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from Darragh STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Sewickley Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

*Outfall 001:* existing average design flow of 0.15 mgd, effective until the sewage treatment plant expansion is completed and operational.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.3		27.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,500/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

*Outfall 001:* proposed average design flow of 0.75 mgd, effective after the sewage treatment plant expansion is completed and operational.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	7.5	11.3		15.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0216721.** Sewage, **George E. and Patricia N. Meerhoff, Thomas E. and Kelly G. Meerhoff**, 106 Old Route 31, Mt. Pleasant, PA 15666.

This application is for renewal of an NPDES permit to discharge treated sewage from the Meerhoff Small Flow STP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Jacobs Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Works.

*Outfall 001:* existing discharge, design flow of .00086 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0218201.** Sewage, **RoxCoal, Inc.**, P. O. Box 149, Friedens, PA 15541.

This application is for issuance of an NPDES permit to discharge treated sewage from the Agustus Deep Mine Portel Sewage Treatment Plant in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage ditch tributary to Coal Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Authority on the Conemaugh River.

*Outfall 003:* new discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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*Northwest Regional Office: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**PA 0100987.** Sewage, **Wesleyan Church of the Nazarene of Albion**, 9580 U. S. Route 6N, Albion, PA 16401.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Marsh Run in Conneaut Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. There is no potable water supply affected by the proposed discharge.

The proposed effluent limits for Outfall 001, based on average design flow of 0.002900 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N (5-1 to 10-31)	10	20
Phosphorus as P	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4	3.3
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0221520.** Sewage. **Highland Township Municipal Authority**, P. O. Box 148, James City, PA 16734.

This application is for renewal of an NPDES permit to discharge treated sewage to the Unnamed Tributary to Wolf Run in Highland Township, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: high quality-cold water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at River Mile 90, approximately 117.922 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.035 mgd, are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
TSS			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Ammonia-Nitrogen			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Total Nitrogen	29		
Fecal Coliform			
(5-1 to 9-10)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,400/100 ml as a geometric average	
Dissolved Oxygen		minimum of 7 mg/l at all times	
pH		6.0—9.0 at all times	

The EPA waiver is not in effect.

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#### **Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0082651	Landisburg Municipal Authority P. O. Box 213 Landisburg, PA 17040	Perry County Landisburg Boro	Montour Creek	TRC



<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0083283	Arthur G. Bruaw, Jr. Bruaw Mobile Home Park P. O. Box 277 Saint Thomas, PA 17252	Perry County Watts Township	UNT to Susquehanna River	TRC

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**WQM Permit No. 2399405.** Sewerage. **Newtown Township**, 209 Bishop Hollow Road, Newtown Square, PA 19073. Applicant requests approval for the construction and operation of a collection line, force main and pump station to serve The Carl Lindbord Subdivision located in Newtown Township, **Delaware County**.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**A. 1399403. Borough of Lehigh**, P. O. Box 29, Lehigh, PA 18235. Application to replace existing Mahoning Street pump station, located in the Borough of

Lehigh, **Carbon County**. Application received in the Regional Office—July 12, 1999.

**A. 1399404. Central Carbon Municipal Authority**, P. O. Box 29, Borough of Lehigh Municipal Building, Lehigh, PA 18235. Application to construct a new wastewater treatment plant to serve Borough of Lehigh, Borough of Weissport, Mahoning Township and Franklin Township, **Carbon County**. Application received in the Regional Office—July 12, 1999.

**A. 1399405. Franklin Township**, 900 Fairyland Road, Lehigh, PA 18235. Application for sewage collection system, located in Franklin Township, **Carbon County**. Application received in the Regional Office—June 30, 1999.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 6597201-A2. Industrial waste. CNG Transmission Corporation**, 175 Sheffield Drive, P. O. Box 405, Delmont, PA 15626. Application for the modification and operation of an Outfall 002 Treatment System Upgrade to serve the CNG Oakford Station located in Salem Township, **Westmoreland County**.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 2599413.** Sewage. **Idyll Whyte Village, Inc.**, 700 Skyline Drive, McKean, PA 16426. This project is for the modification of an existing wastewater treatment plant to reduce pollutants in McKean Township, **Erie County**.

**WQM Permit No. 4399417.** Sewage, **Glenn E. Green, SRSTP**, 88 Clarksville, Greenville, PA 16125. This project is for the construction of a single residence sewage treatment plant in Salem Township, **Mercer County**.

**WQM Permit No. 4299404.** Sewage, **Dale Doleski, SRSTP**, 1290 E. Main St., Bradford, PA 16701. This project is for the construction of a single residence sewage treatment plant in Lafayette Township, **McKean County**.

**WQM Permit No. 4299405.** Sewage, **Kenneth E. and Tina M. White, SRSTP**, 2275 West Washington St., Bradford, PA 16701. This project is for the construction of a single residence sewage treatment plant in Corydon Township, **McKean County**.

**WQM Permit No. 2099409.** Sewage, **Jeffrey D. Ketcham, SRSTP**, 941 C. St., Meadville, PA 16335. This project is for the construction of a single residence sewage treatment plant in Greenwood Township, **Crawford County**.

## INDIVIDUAL PERMITS (PAS)

### NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address, and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

*Wayne County Conservation District, District Manager, Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.*

**NPDES Permit PAS107416.** Stormwater. **Edward Strasser**, Maines Road, Lakeville, PA 18438, has applied to discharge stormwater from a construction activity located in Cherry Ridge Township, **Wayne County**, to Collins Brook.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.*

*Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

**NPDES Permit PAS10F079.** Stormwater. **PA Dept. of Transportation**, 1924—30 Daisy St., Clearfield, PA 16830, has applied to discharge stormwater from a construction activity located in Patton, Huston, Worth, Taylor Townships, Centre, Snyder Township, **Blair County**, to N. Bald Eagle Creek, S. Bald Eagle Creek and Buffalo Run.

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit PAS10W077.** Stormwater. **Woodruff Partners**, 2630 West Liberty Avenue, Pittsburgh, PA 15216, has applied to discharge from a construction activity located in North Strabane Township, **Washington County** to Little Chartiers Creek.

## SAFE DRINKING WATER

### Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**A. 0999505.** Public water supply. **Falls Township**, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030. This proposal involves the installation of a chlorine booster facility at Penn Valley Pump Station in Falls Township, **Bucks County**.

**A. 0999506.** Public water supply. **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. This proposal involves the installation of a 480,000 gallon storage tank and replacement of the system's service pumps in Buckingham Township, **Bucks County**.

**A. 0999507.** Public water supply. **PA-American Water Company**, 800 Hershey Park Drive, Hershey, PA 17033. This proposal involves the installation of two plate settlers to provide presedimentation during high turbidity events at the Mill Road Treatment Plant in Lower Makefield Township, **Bucks County**.

*Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**Permit No. 6799504.** Public water supply, **Sharps Village North MHP**, 5800 Susquehanna Trail, Manchester, PA 17345, Conewago Township, **York County**. *Responsible Official:* Richard E. Sharp. *Type of Facility:* Well No. 5 at a rate of 25 gpm. Treatment will be provided by existing, previously permitted chlorine disinfection facilities. *Consulting Engineer:* Charles A. Kehew, II, P.E., James R. Holley & Assoc., Inc., 18 S. George Street, York, PA 17401. Application received: June 29, 1999.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 4496231.** The Department has received a permit application from the **Dutch Valley Food Company, Inc.**, 1000 South Second Street, Sunbury, PA 17801-0471, City of Sunbury, **Northumberland County** for addition of a system to transport, receive, store and prepare spring water for bottling in the existing plant previously approved for bottling of Sunbury Community Water.

*Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**0486502-A2. Baden Borough**, 149 State Street, Baden, PA 15005-1937. Construction of a new 436,000 gallon potable water storage tank on Harmony Road, serving Baden Borough, **Beaver County**.

**0299506. Harrison Township Municipal Authority**, 1705 Rear Freeport Road, Natrona Heights, PA 15065. Replacement of corrosion inhibitor with Aqua Mag serving Natrona Heights, **Allegheny County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

**Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information

concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Market Square at Chestnut Hill—Market Square Cleaners Facility**, City of Philadelphia, **Philadelphia County**. Terrence J. McKenna, Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite 700, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on June 18, 1999.

**Ford Electronics and Refrigeration Corp.**, Lansdale Borough and Upper Gwynedd Township, **Montgomery County**. Angela K. Gershman, ARCADIS Geraghty & Miller, Inc., 3000 Cabot Blvd., Suite 3004, Langhorne, PA 19047, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Reporter* on or about July 7, 1999.

*Southcentral Regional Office: Environmental Cleanup Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Palm Industrial Center**, Hereford Township, **Berks County**. Palm Partners, 404 Main Street, Pennsburg, PA 18073, has submitted a Notice of Intent to Remediate site soils contaminated with PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Morning Call* on June 30, 1999.

**Intermet Site**, East Hempfield Township, **Lancaster County**. County of Lancaster, 50 North Duke Street, Lancaster, PA 17602-2805, has submitted a Notice of Intent to Remediate site soils contaminated with heavy metals and PAHs. The applicant proposes to remediate the site to meet the site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligencer* on July 2, 1999.

**Defense Distribution Depot Susquehanna PA, SWMU 37, RCRA Storage Area**, Fairview Township, **York County**. Defense Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, has submitted a Notice of Intent to Remediate site soils contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Statewide health requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* and the *Harrisburg Patriot News* on July 9, 1999.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 101439. Joseph J. Brunner, Inc.,** 211 Brunner Road, Zelienople, PA 16063. Joseph J. Brunner, Inc. Landfill, 211 Brunner Road, Zelienople, PA 16063. An application for a major permit modification to use GCL as a subbase, and make changes in the gas extraction system, to a landfill in **Beaver County**, New Sewickley Township was received in the Regional Office on July 13, 1999.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an integrated plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

## OPERATING PERMITS

**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**22-03017: Hoover Funeral Homes of Linglestown, Inc.** (6011 Linglestown Road, Harrisburg, PA 17112), for operation of a human crematory in Lower Paxton Township, **Dauphin County**.

**06-0374A: Super Service Painting & Sandblasting** (2350 Camp Swatara Road, Myerstown, PA 17067), for operation of a sandblasting source in Bethel Township, **Berks County**.

*City of Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 823-7584.*

**V95-065: Albert Einstein Medical Center** (5501 Old York Road, Philadelphia, PA 19104), for a Title V Operating Permit for operation of a medical waste incinerator controlled by a scrubber, a 900 HP boiler, three 300 HP boilers, a 10.5 MMBTU/hr co-gen unit, a 1225 kW peak-shaving generator, and six emergency generators in the City of Philadelphia, **Philadelphia County**.

**V95-085: Episcopal Hospital** (100 East Lehigh Avenue, Philadelphia, PA 19104), for a Title V Operating Permit for operation of a medical waste incinerator controlled by a scrubber, two 475 HP boilers, a 100 HP heat recovery boiler and four emergency generators in the City of Philadelphia, **Philadelphia County**.

**V95-003: Jefferson Smurfit Corp., U. S.** (5000 Flat Rock Road, Philadelphia, PA 19104), for a Title V Operating Permit for operation of a paperboard manufacturing facility which includes two <250 MMBTU/hr boilers with the capacity of burning coal in the City of Philadelphia, **Philadelphia County**.

**V95-078: Nabisco Biscuit Co.** (12000 East Roosevelt Blvd., Philadelphia, PA 19116), for a Title V Operating Permit for operation of two 38 MMBTU/hr boilers, six nonyeast baking ovens and two yeast baking ovens which are controlled by a catalytic oxidizer in the City of Philadelphia, **Philadelphia County**.

**V95-086: O'Brien Cogeneration, Inc. (Philadelphia), Northeast Water Pollution Control Plant** (3895—99 Richmond Street, Philadelphia, PA 19137), for a Title V Operating Permit for operation of seven 2,340 HP Detroit Diesel Engines, three ≤650 kW Caterpillar gas engines, and a selective catalytic reduction control system in the City of Philadelphia, **Philadelphia County**.

**V95-087: O'Brien Cogeneration, Inc. (Philadelphia), Southwest Water Pollution Control Plant** (8200 Enterprise Avenue, Philadelphia, PA 19137), for a Title V Operating Permit for operation of 10 1,550 HP Detroit diesel engines, two 593 HP Dorman gas engines, Caterpillar gas engines and a selective catalytic reduction control system in the City of Philadelphia, **Philadelphia County**.

**V95-051: Sunoco, Inc. (R&M), Belmont Terminal** (2700 Passyunk Avenue, Philadelphia, PA 19145), for a Title V Operating Permit for operation of a gasoline loading terminal in the City of Philadelphia, **Philadelphia County**.

**V96-005: Bellevue, The** (200 South Broad Street, Philadelphia, PA 19102), for a Title V Operating Permit for operation of a 2,200 HP engine and two 12.5 MMBTU/hr boilers in the City of Philadelphia, **Philadelphia County**.

**V96-022: University of Pennsylvania Health System, Presbyterian Medical Center** (51 North 39th Street, Philadelphia, PA 19104), for a Title V Operating Permit for operation of a not-for-profit hospital which includes two 400 HP boilers, a 200 HP boiler, an infectious waste incinerator that burns 0, 1, 2, 3 and 4 wastes at 750 lbs/hr, a 150 HP heat recovery boiler and four emergency generators in the City of Philadelphia, **Philadelphia County**. The facility's air emissions control device is a scrubber for the incinerator.

**S95-068: Riverside Materials, Inc.** (2870 East Allegheny Avenue, Philadelphia, PA 19134), for manufacture of asphalt paving mixtures including a 140 MMBTU/hr 450 tons/hr hot mix asphalt drum plant controlled by a knockout box/baghouse in addition to a crushing plant and 2.1 MMBTU/hr hot oil heater in the City of Philadelphia, **Philadelphia County**.

**N96-020: Fox Chase Cancer Center** (7701 Burholme Avenue, Philadelphia, PA 19111), for operation of a comprehensive cancer center including a hospital and research facility which includes three 5.5 MMBTU/hr boilers and eight emergency generators in the City of Philadelphia, **Philadelphia County**.

**N96-048: Stone Container Corp., Philadelphia West** (9820 Blue Grass Road, Philadelphia, PA 19114), for manufacture and sale of corrugated paperboard sheets which includes two 300 HP boilers and two cyclones in the City of Philadelphia, **Philadelphia County**.

**N97-003: Frankford Candy** (2101 Washington Avenue, Philadelphia, PA 19146), for production of chocolate candy which includes three boilers in the City of Philadelphia, **Philadelphia County**.

**N96-033: Wayne Mills Co., Inc.** (130 West Berkley Street, Philadelphia, PA 19144), for manufacturing of narrow fabric textiles which includes three boilers in the City of Philadelphia, **Philadelphia County**.

**N97-004: Baptist Home of Philadelphia** (8301 Roosevelt Blvd., Philadelphia, PA 19152), for operation of a residential care and nursing home which includes seven boilers 5.5 MMBTU/hr or less and two emergency generators in the City of Philadelphia, **Philadelphia County**.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall

include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.*

**31-05014: Advanced Glassfiber Yarns LLC** (1200 Susquehanna Avenue, Huntingdon, PA 16652), located in Huntingdon Borough, **Huntingdon County**. The facility is a fiberglass yarn manufacturer. The operation primarily emits volatile organic compounds (VOC) and hazardous air pollutants (HAP).

#### Notice of Intent to Revise Operating Permits for Hospital/Medical/Infectious Waste Incinerators

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated Emission Guidelines to control the emission of designated pollutants from existing hospital/medical/infectious waste incinerators (HMIWI) (See 62 FR 48348, September 15, 1997). These guidelines are codified at 40 CFR Part 60, Subpart Ce and incorporated by reference in 25 Pa. Code § 122.3. These Emission Guidelines apply to all existing HMIWI units, which have commenced construction on or before June 20, 1996.

The Department of Environmental Protection (Department) has determined that the affected HMIWI units listed as follows are subject to the Emission Guidelines. New or revised Federally enforceable State operating permits (FESOP), Title V Operating Permits or Plan Approvals, when necessary, will be submitted to the EPA as the legally enforceable mechanism to implement the Subpart Ce requirements.

**46-301-185. Pottstown Memorial Medical Center,** Pottstown Township, **Montgomery County**. *Affected HMIWI Units:* Incinerator, 600 lbs/hr.

**PA-46-0005E. Merck & Company, Inc.,** Upper Gwynedd Township, **Montgomery County**. *Affected HMIWI Units:* Waste heat incinerator, 1,950 lbs/hr.

**OP-46-0005. Merck & Company, Inc.,** Upper Gwynedd Township, **Montgomery County**. *Affected HMIWI Units:* Rotary kiln incinerator, 3,045 lbs/hr.

**OP-46-0035. SmithKline Beecham Pharmaceutical,** Upper Merion Township, **Montgomery County**. *Affected HMIWI Units:* Incinerator, Building 3; Incinerator, Building 21; Incinerator, Building 26.

**46-301-227. New Hanover Incineration,** New Hanover Township, **Montgomery County**. *Affected HMIWI Units:* Incinerator, 1,425 lbs/hr.

**15-301-078. Southern Chester County Health Systems,** Penn Township, **Chester County**. *Affected HMIWI Units:* Incinerator, 300 lbs/hr.

**23-301-114. Riddle Memorial Hospital,** Middletown Township, **Delaware County**. *Affected HMIWI Units:* Incinerator, 480 lbs/hr.

**OP-46-0048B: Rhone-Poulenc Rorer Pharmaceutical**, Upper Providence Township, **Montgomery County**. *Affected HMIWI Units*: Incinerator, 300 lbs/hr.

**46-301-194. Rohm and Haas Company**, Lower Gwynedd Township, **Montgomery County**. *Affected HMIWI Units*: Incinerator.

Interested persons may submit written comments, suggestions or objections concerning the proposed permits or Plan Approvals to the Regional Office noted within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the permit number of the proposed permit. The commentator should include a concise statement of objections to the issuance of the revised permit or Plan Approval and the relevant facts upon which the objections are based.

A public hearing will subsequently be held for all HMIWI which will be shutting down, and have requested an extension beyond the 1-year compliance deadline specified in the draft permit or Plan Approval. The Department reserves the right to hold a public hearing on all other proposed actions based upon the information received during the public comment period and will provide notice of each hearing at least 30 days prior to the date of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Copies of the draft permits or Plan Approvals and other relevant information are available for public inspection, and additional information may be obtained by contacting George Monasky, P.E. or Paul Arnold at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, at (610) 832-6242 between the hours of 8 a.m. and 4 p.m., Monday through Friday, except holidays.

#### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**36-308-081A: Kalas Mfg., Inc.** (25 Main Street, Denver, PA 17517), for modification of an existing lead battery terminal operation controlled by a fabric collector at Plant 3 in East Cocalico Township, **Lancaster County**.

**38-03010A: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105), for modification of a stone crushing plant controlled by wet suppression at the Prescott Quarry in South Lebanon Township, **Lebanon County**. The plant is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

*City of Philadelphia: Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 685-7572.*

**99045, 99089: Ashland Chemical** (2801 Christopher Columbus Blvd., Philadelphia, PA 19148), for replacement and operation of a new reactor vessel, thin tank and railcar loading station in the City of Philadelphia, **Philadelphia County**.

**99079: SJA Construction** (Independent Pier 2, Girard Point, Philadelphia, PA 19145), for construction and op-

eration of a batch asphalt plant in the City of Philadelphia, **Philadelphia County**.

### MINING

#### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the

conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

*Coal Applications Received*

**65990104. Daniel Visnic** (5194 School Road South, Export, PA 15632). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in the Municipality of Murrysville, **Westmoreland County**, proposed to affect 20.0 acres. Receiving streams: unnamed tributaries to Lyons Run to Turtle Creek to the Monongahela River. Application received July 6, 1999.

**04940103R. Kerry Coal Company** (R. R. 2, Box 2139, Wampum, PA 16157). Renewal application received for continued reclamation of a bituminous surface auger mine with minor shale removal located in Darlington Township, **Beaver County**, affecting 163.4 acres. Receiving streams: North Fork of Little Beaver Creek and unnamed tributaries to Dilworth Run and McCaury Run. Renewal application received July 14, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**59990901. Signor Brothers** (P. O. Box 98, Arnot, PA 16911), commencement, operation and restoration of an incidental coal extraction permit in Bloss-Morris-Liberty Townships, **Tioga County** affecting 3.2 acres. Receiving stream: Babb Creek. Application received July 6, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**101244-24930102-E-3. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Application for a stream encroachment to conduct mining activities with 25 feet of Unnamed Tributary B to Brandy Camp Creek in Horton Township, **Elk County**. Coal removal is proposed for the area within 50 feet of the stream with support activities to within 25 feet of the stream. Receiving streams: Unnamed tributary of Johnson Run to Johnson Run to Little Toby Creek; Unnamed tributary to Brandy Camp Creek to Brandy Camp Creek to Little Toby Creek to Toby Creek to the Clarion River to the Allegheny River. Application received July 6, 1999.

**24930101. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous strip, auger and coal ash placement and beneficial use of residual waste sludge operation in Horton Township, **Elk County**, affecting 65.3 acres. Receiving streams: Johnson Run to Little Toby Creek to Toby Creek to the Clarion River to the Allegheny River. Application for reclamation only. Application received July 7, 1999.

**33850118. Alvin Gearhart** (307 Treasure Lake, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Winslow Township, **Jefferson County**, affecting 241.0 acres. Receiving streams: Three unnamed tributaries of Soldier Run to Soldier Run to Sandy Lick Creek to Redbank Creek to the Allegheny River. Application received July 9, 1999.

**33990109. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801). Commencement, operation and restoration of a bituminous surface strip, auger and coal preparation plant processing facility in Perry Township, **Jefferson County**, affecting 66.0 acres. Receiving streams: Two unnamed tributaries to Perryville Run and Perryville Run to Mahoning Creek to Allegheny River. Application received July 9, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Applications Received*

**13990301. Lehigh Asphalt Paving & Construction Co.** (P. O. Box 549, Tamaqua, PA 18252), commencement, operation and restoration of a quarry operation in East Penn Township, **Carbon County** affecting 104.4 acres. Receiving stream—unnamed tributary to Lizard Creek. Application received July 12, 1999.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as questions to the office noted above the application.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-792. Encroachment. Country Club Plaza Association**, 3359 Durham Rd., Doylestown, PA 18901. To disturb a total of 0.24 acre of wetland (PEM) through filling and grading activities associated with the construction of the Country Club Plaza consisting of a commercial facility, parking area and stormwater management basin. The site is located about 1,300 feet north of the intersection of Old York Road (S. R. 0263) and Mill Road (Buckingham USGS Quadrangle N: 2.0 inches; W: 12.8 inches) in Warwick Township, **Bucks County**.

**E09-793. Encroachment. Heritage Construction**, 3326 Old York Road, Furlong, PA 18925 and **East Rockhill Township**, 1622 Ridge Road, Perkasio, PA 18944. To construct and maintain a pedestrian footbridge and associated footpath across and along the East Branch of the Perkiomen Creek within its 100-year floodplain. This application also includes an Environmental Assessment Approval for two in-stream nonjurisdictional dams along two separate unnamed tributaries of the Perkiomen Creek. This work is associated with the Country Hunt Residential Development located just south of the intersection of Blooming Glen Road and Branch Road (Quakertown USGS Quadrangle N: 0.5 inch; W: 3.2 inches) in East Rockhill Township, **Bucks County**.



**E23-385.** Encroachment. **Sun Company, Inc.**, 3144 Passyunk Ave., Philadelphia, PA 19145-5299. To realign and maintain a 190 linear-foot segment of Marcus Hook Creek (WWF) and to construct and maintain approximately 190 linear feet of retaining wall along the south bank of this stream. This work will occur at the Read Boyd Farm site and is intended for containing existing pits and waste piles from direct contact with surface water. The site is located approximately 1,500 feet east of the Interstate 95 interchange with Market Street (Marcus Hook, PA-NJ USGS Quadrangle N: 15.25 inches; W: 6.5 inches) in Upper Chichester Township, **Delaware County**.

**E46-846.** Encroachment. **Springfield Township**, 1510 Paper Mill Road, Wyndmoor, PA 19038-7032. To construct and maintain a concrete slab below three spans of an existing bridge which carries East Mill Road across Sunnybrook Creek (TSF) for the purpose of scour protection (Germantown, PA USGS Quadrangle N: 20.0 inches; W: 11.5 inches). The slab will be placed 6 inches beneath the existing stream channel invert to allow for a more natural stream bottom. Also, to realign and maintain the 20-foot terminus and outfall of an existing concrete trapezoidal drainage channel which discharges into Sunnybrook Creek at a point approximately 2,000 feet upstream of the East Mill Road Bridge (Germantown, PA USGS Quadrangle N: 20.2 inches; W: 11.0 inches). The site is located approximately 275 feet northeast of the intersection of Poplar Road and East Mill Road in Springfield Township, **Montgomery County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-301.** Encroachment. **Kane Properties**, P. O. Box 931, Scranton, PA 18501. To place fill in 0.24 acre of (PEM) wetlands for the construction of the Kane T6 warehouse facility (Scranton, PA Quadrangle N: 5.7 inches; W: 9.9 inches); To remove the existing structure and to construct and maintain a 36-foot x 13-foot, 2-inch precast concrete arch culvert in Keyser Creek (CWF) to provide railroad access to the Kane T5 warehouse facility (Scranton, PA Quadrangle N: 6.8 inches; W: 10.2 inches). The project is located in the Stauffer Industrial Park, approximately 0.5 mile south of the intersection of S. R. 3011 and S. R. 3014 in Taylor Borough, City of Scranton, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E07-312.** Encroachment. **Bradley Weirich**, R. R. 3, Box 297, Hollidaysburg, PA 16648. To remove five of six existing unpermitted culvert pipes and to construct and maintain two corrugated metal pipe arches having spans of 8.58 feet and underclearance of 5.92 feet in Robinson Run and to authorize previously placed fill in about 0.1 acre of associated wetlands for the purpose of reconstructing a driveway to a private residence located on the south side of township road T-399 about 0.25 mile east of its intersection with township road T-409 (Frankstown, PA Quadrangle N: 10.5 inches; W: 9.4 inches) in Frankstown Township, **Blair County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E08-349.** Encroachment. **Bradford County Commissioners**, Courthouse, 301 Main Street, Towanda, PA

18848. To remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge with a normal span of 82.8 feet and minimum underclearance of 9.7 feet across Schrader Creek on T-342 just upstream of the confluence of Schrader Creek and Sugar Run (Leroy, PA Quadrangle N: 0.80 inch; W: 0.05 inch) in Overton and Franklin Townships, **Bradford County**. This permit will also authorize a temporary water diversion system and a temporary rock ford which will be used by construction vehicles only. Estimated stream disturbance is 130 feet with no wetland impacts; stream classification is EV.

**E14-353.** Encroachment. **Haines Township**, P. O. Box 244, Aaronsburg, PA 16820. To construct and maintain two areas of stream bank stabilization project with gabion mattresses and gabion baskets and to relocate the stream away from the road way along an unnamed tributary to Pine Creek located at the intersection of Cemetery Road and Pine Creek Road 1.1 miles north on Jackson Hill Road from the intersection of Cemetery Road and Jackson Hill Road (Woodward, PA Quadrangle N: 8.2 inches; W: 13.9 inches) in Hines Township, **Centre County**. This project proposes to impact a total of 45 linear feet of an unnamed tributary to Pine Creek which is designated a high quality cold water fishery and does not propose to impact any wetlands.

**E19-194.** Encroachment. **Franklin Township Supervisors**, 277 Long Woods Rd., Catawissa, PA 17820-9627. To 1) repair and maintain two separate 30-inch corrugated metal pipe stream crossings; 2) construct and maintain eight 10-foot by 6-foot by 1-foot cross-drain R-4 outfalls; 3) resurface with crushed limestone and maintain 3,610 linear feet of an existing dirt road in the floodplain of an unnamed tributary of Roaring Creek, all of which are located on the northern most 3,610 feet of T-308 (Danville, PA Quadrangle, between N: 2.60 inches; W: 3.75 inches and N: 3.60 inches; W: 2.70 inches) in Franklin Township, **Columbia County**. The project proposes to impact 100 feet of an unnamed tributary of Roaring Creek, which is classified as a high quality-cold water fishery.

**E55-158.** Encroachment. **James A. Kendter, PA DOT**, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754-0218. To construct and maintain a 30 inch diameter RCCP storm sewer outfall pipe to Penns Creek along SR 204 at Segment 0010, Offset 1034 just north of the Borough of Selinsgrove (Sunbury, PA Quadrangle N: 11.3 inches; W: 16.3 inches) in Penn Township, **Snyder County**. The project will not impact on wetlands while impacting 10 feet of waterway. Penns Creek is a warm water fisheries stream and is classified as a 1-A priority scenic river.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-380.** Encroachment. **West Penn Power dba Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601-1685. To place and maintain 150,000 cubic yards of Compressed Tire Bales (CTB) in a mid river dredge pit located in the Allegheny River (WWF) in front of the Armstrong Power Stations circulating water intake structure near River Mile 55. The bales shall be assembled into 10-bale units and connected with galvanized steel cable. The dredge pit is approximately 850 feet long and 300 feet wide. The last 3 feet of pit will be backfilled with dredge material from the Army Corps Lower Monongahela Lock and Dams project. The purpose of this project is to restore the original river hydraulic to alleviate detrimental impacts to the Armstrong Power (AP) Sta-



tion's water intake (Templeton, PA Quadrangle N: 9.8 inches; W: 12.3 inches) in Washington Township, **Allegheny County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E25-590.** Encroachment. **PA Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. To construct and maintain the following improvements at the Elk Creek Access along Lake Erie at the mouth of Elk Creek (Fairview, PA Quadrangle N: 4.25 inches; W: 16.4 inches) in Girard Township, **Erie County**.

**E25-591.** Encroachment. **Amity Township**, 15030 Casler Rd., Union City, PA 16438; **Venango Township**, 9141 Townhall Rd., Wattsburg, PA 16442; and **Wattsburg Borough**, 14431 Main St., Wattsburg, PA 16442. To construct and maintain a total of approximately 3,500 feet of bank stabilization consisting of root wads, grading and plantings and a total of 1,000 feet of 20-foot-wide high flow channel impacting 0.4 acre of wetland (PSS/EM) at various locations along a total reach of approximately 1.5 miles of French Creek extending upstream from SR 0008 (Union City, PA Quadrangle N: 22.4 inches; W: 8.3 inches) to near SR 0474 (Wattsburg, PA-NY Quadrangle N: 1.1 inches; W: 5.8 inches) in Amity and Venango Townships and Wattsburg Borough, **Erie County**.

**E37-126.** Encroachment. **Kirk O'Neill**, R. D. 1, Box 232A, Enon Valley, PA 16120. To remove a temporary bridge constructed without a permit and to construct and maintain a three span steel beam bridge having concrete block abutments and timber decking with a clear center span of 54 feet and an underclearance of 14 feet across North Fork Little Beaver Creek on a private driveway extending north from Old Enon Unity Road approximately 0.75 mile west of SR 0351 (New Galilee, PA Quadrangle N: 20.3 inches; W: 14.4 inches) in Little Beaver Township, **Lawrence County**.

#### DAM SAFETY

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D64-223.** Dam. **ILC Holding** (136 East 57th Street, Suite 1005, New York, NY 10022). To modify, operate and maintain Travis Pond Dam across a tributary to Shadigee Creek (CWF), for the purpose of recreation (Starrucca, PA-NY Quadrangle N: 4.7 inches; W: 3.5 inches) in Scott Township, **Wayne County**.

#### ENVIRONMENTAL ASSESSMENT

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**EA46-005SE.** Environmental Assessment. **Emmanuel Demutis**, Snyder Ave., R. D. 1, Phoenixville, PA 19460. A request for an Environmental Assessment to construct and maintain a nonjurisdictional dam across an unnamed tributary to the Schoolhouse Run (TSF). The proposed dam will provide stormwater management for the Pennypacker Road Subdivision. The project is situ-

ated approximately 2,000 feet northwest of the intersection of Ridge Pike and Linfield-Trappe Road. (Collegeville, PA Quadrangle N: 14.5 inches; W: 16.50 inches) in Upper Providence Township, **Montgomery County**.

#### ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

**[National Pollution Discharge Elimination System Program (NPDES)]**

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**WQM Permit No. 0999406.** Sewerage. **Randy Brundage**, 2540 Ridge Road, Perkasio, PA 18944. Approval for the construction and operation of a single family residential sewage treatment plant to serve the Brundage residence located in East Rockhill Township, **Bucks County**.

**NPDES Permit No. PA0055972.** Sewage. **Benjamin Newman**, Plaza Apts. No. 526, 1250 Greenwood Ave., Jenkintown, PA 19046, is authorized to discharge from a facility located at 132 Haldeman Road, Lot No. 31 in Perkiomen Township, **Montgomery County** to an unnamed tributary to East Branch of the Perkiomen Creek.

**NPDES Permit No. PA0055981.** Sewage. **Richard M. Bevilacqua Jr.**, 6 Carey Drive, Ambler, PA 19002, is authorized to discharge from a facility located at 132 Haldeman Road, Lot No. 32 in Perkiomen Township, **Montgomery County** to an unnamed tributary to East Branch of the Perkiomen Creek.

**NPDES Permit No. PA0055999.** Sewage. **Benjamin Newman**, Plaza Apts. No. 526, 1250 Greenwood Avenue, Jenkintown, PA 19046, is authorized to discharge from a facility located at 132 Haldeman Road, Lot No. 33 in Perkiomen Township, **Montgomery County** to an unnamed tributary to East Branch of the Perkiomen Creek.

**NPDES Permit No. PA0057746.** Sewage. **Randy L. Brundage**, 2540 Ridge Road, Perkasio, PA 18944, is authorized to discharge from a facility located at East Rockhill Township, **Bucks County** into Three Mile Run.

**NPDES Permit No. PA0057762.** Sewerage. **James F. Wunder**, 529 East Lancaster Avenue, Shillington, PA 19607, is authorized to discharge from a facility located at Milford Township, **Bucks County** to an unnamed tributary to Macoby Creek.

**NPDES Permit No. PA0051268.** Sewage. **Commonwealth of PA/Washington Crossing Historic Park**, P. O. Box 103, Washington Crossing, PA 18977, is authorized to discharge from a facility located in Upper Makefield Township, **Bucks County** to Delaware River.

**NPDES Permit No. PA0011428.** Industrial waste. **Amerada Hess Corporation**, 1 Hess Plaza, Woodbridge, NJ 07095-0961, is authorized to discharge from a facility located in the **City of Philadelphia** into Tidal Portion of the Schuylkill River in Zone 4 of the Delaware Estuary.

**NPDES Permit No. PA0011088.** Industrial waste. **Exxon Company, U.S.A.**, 6850 Essington Avenue, Philadelphia, PA 19153, is authorized to discharge from a facility located in the **City of Philadelphia** into an unnamed tributary to Mingo Creek—001, Schuylkill River—(Tidal Portion of Delaware River Estuary—Zone 4)—002.

*Southcentral Regional Office: Regional Water Management Program Manager: 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**Permit No. PA 0088099.** Industrial waste. **Columbia Petroleum Corporation (Mount Joy Bulk Petroleum Storage Plant)**, Box 278, Richland, PA 17087, is authorized to discharge from a facility located in Mount Joy Township, **Lancaster County** to the receiving waters named Little Chickies Creek.

**Permit No. PA 0085731.** Industrial waste. **Brentwood Industries, Incorporated** is authorized to discharge from a facility located in Reading City, **Berks County** to the receiving waters named Angelica Creek.

**Permit No. PA 0022209.** Sewerage. **Municipal Authority of the Borough of Bedford** is authorized to discharge from a facility located in Bedford Township, **Bedford County** to the receiving waters named Raystown Branch Juniata River.

**Permit No. PA 0080489.** Sewerage. **New Buffalo Restaurant, Incorporated** is authorized to discharge from a facility located in Watts Township, **Perry County** to the receiving waters named Susquehanna River.

**Permit No. PA 0086118.** Sewerage. **Robert Conely t/a Bumper Bob's Restaurant**, 1875 Old Trail Road, Etters, PA 17319, is authorized to discharge from a facility located in Newberry Township, **York County** to the receiving waters named Fishing Creek.

**Permit No. PA 0053007.** Sewerage. **Valley View MHP, Reading, L. P.**, 215 West Church Road, Suite 105, King of Prussia, PA 19406, is authorized to discharge from a facility located in Richmond Township, **Berks County** to the receiving waters named Willow Creek.

**Permit No. PA 0085634.** Sewerage. **William Brady t/a Fisherman's Paradise**, P. O. Box 113, Boyertown, PA 19512, is authorized to discharge from a facility located in Douglass Township, **Berks County** to the receiving waters named Ironstone Creek.

**Permit No. PA 0020893.** Sewerage. **Manheim Borough**, 15 East High Street, Manheim, PA 17545, is authorized to discharge from a facility located in Manheim Borough, **Lancaster County** to the receiving waters named Chickies Creek.

**Permit No. PA 0070122.** Sewerage. **United Mobile Homes, Incorporated (Highland Estates Mobile Home Village)**, 125 Wyckoff Road, Eatontown, NJ 07729, is authorized to discharge from a facility located in Greenwich Township, **Berks County** to the receiving waters named Mill Creek.

**Permit No. PA 0037711.** Sewerage. **Borough of Everett Area Municipal Authority (Everett Area WWTP)**, 100 Mechanic Street, Everett, PA 15537, is authorized to discharge from a facility located in Everett Borough, **Bedford County** to the receiving waters named Raystown Branch Juniata River.

**Permit No. 3699404.** Sewage. **East Cocalico Township Authority**, 100 Hill Road, P. O. Box 402, Reamstown, PA 17567. This permit approves the construction of sewers and appurtenances in East Cocalico Township, **Lancaster County**.

**Permit No. 0671419, Amendment 99-1.** Sewage. **United Mobile Homes, Incorporated**, 125 Wyckoff Road, Eatontown, NJ 07724. This permit approves the modifications to the construction/operation of sewage treatment facilities in Greenwich Township, **Berks County**.

**Permit No. 0598404.** Sewage. **Borough of Everett Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537. This permit approves the rerating of sewage treatment facilities in Everett Borough, **Bedford County**.

**Permit No. 0572401, Amendment 99-1.** Sewage. **Municipal Authority of the Borough of Bedford**, 244 West Penn Street, Bedford, PA 15522. This permit approves the modifications to the construction/operation of pump station in Bedford Borough, **Bedford County**.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0045993.** Sewerage. **Ulysses Municipal Authority**, P. O. Box 392, Ulysses, PA 16948-0392. Renewal granted for existing sewage treatment plant and for expansion. A two tiered permit is being used to cover the discharge until construction is completed. The facility is located at Ulysses Borough, **Potter County**.

**NPDES Permit No. PA0035599.** Sewerage. **PA Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060. Renewal granted to Safety Rest Area No. 35 to discharge treated sewage from their treatment plant serving the Eastbound Interstate 80 in Liberty Township, **Montour County**.

**NPDES Permit No. PA0035602.** Sewerage. **PA Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060. Renewal granted to Safety Rest Area No. 36 to discharge treated sewage from their treatment plant serving the Westbound Interstate 80 in Liberty Township, **Montour County**.

**NPDES Permit No. PA0111830.** Industrial waste. **Emporium Specialties Company Inc.**, P. O. Box 65, Austin, PA 16720. Renewal granted to discharge treated wastewater to Freeman Run, located at Austin Borough, **Potter County**.

**NPDES Permit No. PA0209708.** Concentrated animal feed operation. **Hostetter Management Company, Sugar Valley Farms**, 10 Cooperfield Circle, Lititz, PA 17543. Permission granted for the handling and application of the contents to be controlled under Nutrient Management Plan approved by the Tioga County Conservation District. There shall be no discharge to surface waters under normal operating conditions. Facility located at Sullivan Township, **Tioga County**.

**WQM Permit No. 1499403.** Sewerage. **Eugene Dubbs, Jr.**, 1794 Bush Hollow Road, Julian, PA 16844. Permission granted to construct sewage treatment system to serve single residence facility located at Union Township, **Centre County**.

**W2CAF Permit No. 5998201.** Manure storage facility. **Hostetter Management Company, Sugar Valley Farms**, 10 Copperfield Drive, Lititz, PA 17543. Permission to construct a new manure storage facility located at Sullivan Township, **Tioga County**.

**WQM Permit No. 1499201.** Industrial waste. **PA Department of Correction, Rockview Facility**, P. O. Box 598, Camp Hill, PA 17001-0598. Applicant granted permission for construction of wetland treatment system to serve the fruit and vegetable cannery operation at the prison. The exfiltration will move toward a defined stream channel at a point on the watershed where the stream has a small cumulative drainage area. Facility located at Benner Township, **Centre County**.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit No. PA0031488.** Sewage. **Paul Rach, Yough School District**, 99 Lowber Road, Herminie, PA 15637, is authorized to discharge from a facility located at Yough Senior High School STP, Sewickley Township, **Westmoreland County** to receiving waters named Little Sewickley Creek.

**NPDES Permit No. PA0046166.** Sewage. **David Schaefer, Pressley Ridge School**, 305 Pressley Ridge Road, Ohiopyle, PA 15470, is authorized to discharge from a facility located at Pressley Ridge School STP, Henry Clay Township, **Fayette County** to receiving waters named Unnamed Tributary of Beaver Creek.

**NPDES Permit No. PA0091260.** Sewage. **Clifford B. Wareham**, 87 Kinterstation Road, Barnesboro, PA 15714, is authorized to discharge from a facility located at Country Meadows Mobile Home Park STP, Pine Township, **Indiana County** to receiving waters named Unnamed Tributary of Carney Run.

**NPDES Permit No. PA0091791.** Sewage. **Joseph Argiro**, 402 Breakiron Road, Connellsville, PA 15425, is authorized to discharge from a facility located at Argiro Mobile Home Park STP, Bullskin Township, **Fayette County** to receiving waters named Unnamed Tributary of Breakneck Run.

**NPDES Permit No. PA0092886.** Sewage. **Southeastern Greene School District**, RD 1, Box 110/B, Greensboro, PA 15338, is authorized to discharge from a facility located at Mapleton High School STP, Monongahela Township, **Greene County** to receiving waters named Unnamed Tributary of Whiteley Creek.

**NPDES Permit No. PA0094790.** Sewage. **Donald Krug, Pleasantview, Inc.**, 112 Pleasantview Park Road, South Fork, PA 15956, is authorized to discharge from a facility located at Pleasantview Mobile Home Park STP, Adams Township, **Cambria County** to receiving waters named Unnamed Tributary of Sandy Run.

**NPDES Permit No. PA0098345.** Sewage. **Connellsville Area School District**, Administrative Building, 125 North Seventh Street, Connellsville, PA 15425, is authorized to discharge from a facility located at Saltlick Township Elementary School STP, Saltlick Township, **Fayette County** to receiving waters named Indian Creek.

**NPDES Permit No. PA0205311.** Sewage. **St. Paul's Highfield Lutheran Church**, RD 1, Box 134A, Vandergrift, PA 15690, is authorized to discharge from a facility located at St. Paul's Lutheran Church STP, Parks Township, **Armstrong County** to receiving waters named Carnahan Run.

**NPDES Permit No. PA0218031.** Sewage. **Intercare Lakewood, Inc.**, 2575 Boyce Plaza, Pittsburgh, PA 15241, is authorized to discharge from a facility located at Mansion House at Old Concord Village STP, Morris Township, **Washington County** to receiving waters named Short Creek.

**NPDES Permit No. PA0218138.** Sewage. **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201, is authorized to discharge from a facility located at Armstrong County Industrial Development Authority STP, North Buffalo Township, **Armstrong County** to receiving waters named Nicholson Run.

**Permit No. 0299202.** Industrial waste. **Ronald Marshalik, Ashland Specialty Chemicals Company**, 2650 Neville Road, Pittsburgh, PA 15225. Construction of Ashland Specialty Chemicals polyester resin/maleic anhydride manufacturing facility located in Neville Township, **Allegheny County** to serve CO<sub>2</sub> pH adjustment system.

**Permit No. 0298410-A1.** Sewerage. **Richland Township**, 4011 Dickey Road, Gibsonia, PA 15044. Construction of sanitary sewers and appurtenances located in Richland Township, **Allegheny County** to serve Bakerstown Area Collection Sewer Project.

**Permit No. 0299413.** Sewerage. **Pleasant Hills Authority**, 410 East Bruceton Road, Pittsburgh, PA 15236. Construction of interceptor replacement located in Pleasant Hills Borough, **Allegheny County** to serve East Bruceton Road.

**Permit No. 0491407-A1.** Sewerage. **New Sewickley Township Municipal Authority**, P. O. Box 65, Freedom, PA 15042. Construction of sewage treatment plant expansion located in New Sewickley Township, **Beaver County** to serve Tri-County Commerce Park Sewage Treatment Plant.

**Permit No. 0499402.** Sewerage. **Marvin and Jean Shingleton and Linda Brueckner**, 13 Reese Avenue, Pittsburgh, PA 15223. Construction of single residence sewage treatment plant located in New Sewickley Township, **Beaver County** to serve Marvin and Jean Shingleton and Linda Brueckner residence.

**Permit No. 6569403-A1.** Sewerage. **Rostraver Estates**, 1198 Rostraver Road, Belle Vernon, PA 15012. Construction of sewage treatment plant improvements, equalization tank, sludge holding tank and post aeration located in Rostraver Township, **Westmoreland County** to serve Rostraver Estates Mobile Home Park.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0222763.** Industrial waste. **Charter Plastics, Inc.**, 221 South Perry Street, P. O. Box 770, Titusville, PA 16354, is authorized to discharge from a facility located in the City of Titusville, **Crawford County** to Oil Creek.

**NPDES Permit No. PA0290741.** Sewage. **322 Reynolds Company LTD**, 9 Corporate Center, Brandview Heights, OH 44147, is authorized to discharge from a facility located in French Creek Township, **Mercer County** to an unnamed tributary to Powdermill Run.

**NPDES Permit No. PA0032603.** Sewage. **DeVite's Mobile Home Park**, R. D. 1, Box 207A, Edinburg, PA 16116, is authorized to discharge from a facility located in Mahoning Township, **Lawrence County** to an unnamed tributary to the Shenango River.

**NPDES Permit No. PA0003573.** Industrial waste. **Schry Water Conditioning**, 128 Portersville Road, Ellwood City, PA 16117, is authorized to discharge from a

facility located in Ellport Borough, **Lawrence County** to Connoquenessing Creek.

**NPDES Permit No. PA0101711.** Sewage. **Blair Corporation**, 220 Hickory Street, Warren, PA 16366, is authorized to discharge from a facility located in Pleasant Township, **Warren County** to an unnamed tributary to the Allegheny River.

**WQM Permit No. 2599409.** Sewage. **McKean Township Sewer Authority**, P. O. Box 88, McKean, PA 16426-0088. This project is for proposed plans to construct a wastewater treatment facility and sanitary sewer system in McKean Township, **Erie County**.

#### INDIVIDUAL PERMITS

##### (PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G094-R	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Uwchlan Township Chester County	Brandywine Creek
PAS10-G361	Sugartown Ridge Associates c/o Vintage Development Co. 63 Chestnut Road Paoli, PA 19301	East Whiteland Township Chester County	Valley Creek
PAS10-G362	Dennis and Kathleen Wolfgang 206 Brownbacks Church Road Spring City, PA 19475	East Vincent Township Chester County	French Creek

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PAS-10-M073-R.** Individual NPDES. **White Rock Inc.**, 3720 Clubhouse Drive, Fayetteville, PA 17222. To implement an erosion and sedimentation control plan for a single family housing development and golf course on 1,162 acres in Guilford and Quincy Townships, **Franklin County**. The project is located about 1.4 miles north of Mont Alto Borough (Waynesboro, PA Quadrangle N: 20.7 inches; W: 7.0 inches). Drainage will be to UNT to Conococheague and UNT West Branch Antietam Creeks.

#### SEWAGE FACILITIES ACT

##### PLAN APPROVAL

**Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.*

*Location: Quincy Township, Franklin County, 7575 Mentzer Gap Rd., Waynesboro, PA 17268.*

The approved plan provides for selection of a gravity sewage collection system to replace the previously se-

lected low pressure/gravity hybrid collection system. Additionally, the previous implementation schedule has been compressed to provide immediate public sewer service in areas previously identified for it in the 5 to 10 year time frame. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

#### SAFE DRINKING WATER

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit No. 0299503.** Public water supply. **Robinson Township Municipal Authority**, P. O. Box 15539, Pittsburgh, PA 15244.

*Type of Facility: Route 60 elevated storage tank improvements.*

*Permit for Construction Issued: June 30, 1999.*

**Permit No. 6399504.** Public water supply. **Pennsylvania American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317.

*Type of Facility:* Franklin Manor booster station.

*Permit for Construction Issued:* June 30, 1999.

**Permit No. 0299501.** Public water supply. **Pittsburgh Water and Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222-2219.

*Type of Facility:* Aspinwall pump station and Rockwood Drive meter vault.

*Permit for Construction Issued:* July 7, 1999.

**Permit No. 0399503.** Public water supply. **Manor Township Joint Municipal Authority**, 2310 Pleasant View Drive, Ford City, PA 16226.

*Type of Facility:* Well No. 4.

*Permit for Construction Issued:* July 6, 1999.

**Permit No. 1199501.** Public water supply. **Friends Co-Op**, 259 Friends Avenue, Sidman, PA 15955.

*Type of Facility:* Friends Co-Op existing distribution system.

*Permit for Operation Issued:* June 30, 1999.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. MA.** The Department issued a construction permit to **Longview Mobile Home Park**, RR 3, Box 229, Spring Mills, PA 16875, Gregg Township, **Centre County**, for construction of a chlorine contact tank, a finished water storage tank and a finished water pumping station.

**Permit No. 1499502.** The Department issued a construction permit to **Borough of Unionville**, Box 81, Unionville, PA 16835, Unionville Borough, **Centre County** for construction of disinfection facility, metering pits and reservoir liner.

**Permit No. 5598501.** The Department issued a construction permit to **Penns Creek Municipal Authority**, Box 148, Penns Creek, PA 17862-0148, Center Township, **Snyder County** for construction of well no. 3, finish water storage tank and transmission line.

#### INDIVIDUAL PERMITS

##### (PAR)

#### Approvals to Use NPDES and Other General Permits.

The following parties have submitted (1) Notices of Intent (NOIs) for coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection has reviewed the First Land Application of Sewage Sludge for the following sites and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

The Department of Environmental Protection has acted on the following requests for coverage under the specified General Permit as follows:

#### List of General Permit Type

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Tioga County Sullivan Township	PAR106626	Hostettler Mgt. Co. Sugar Valley Farm 10 Copperfield Ave. Lititz, PA 17543	Unt. Canoe Camp Creek	Tioga County CD 5 East Ave. Wellsboro, PA 16901 (717) 724-4812
London Britain Township Chester County	PAR10-G327	Unlimited Holding Company 12 Kotobuki Lane Landenberg, PA	Christina River	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East and West Nottingham Townships Chester County	PAR10-G328	Bassett and Mark P. O. Box 63 New London, PA	Blackburn Run	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Newtown Township Chester County	PAR10-J145	Town and Country Development Assoc. 7 Kates Glen Paoli, PA 19301	Hunters Run and Crum Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
City of Philadelphia Philadelphia County	PAR10-5325	CR Warner Inc. 6318 West Passyunk Avenue Philadelphia, PA	Schuylkill River and Schuylkill River Basin	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Allegheny County Leetsdale Borough	PAR10A203-1	Leetsdale Industrial Corp. 100 Leetsdale Industrial Dr. Leetsdale, PA 15056	Ohio River	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAR10A251	Fourway Properties LP 1198 Mulberry Street Bridgewater, PA 15009	Montour Run	Allegheny County CD (412) 241-7645
Allegheny County West Deer Township	PAR10A302	Frey/Schweiger Partnership 4399 Gibsonia Road Gibsonia, PA 15044	Deer Creek	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAR10A308-1	Richland Township 4011 Dickey Road Gibsonia, PA 15044	UNT Deer Creek	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Borough	PAR10A327	PA Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Peters Creek	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAR10A331	Zaremba Group, LLC 14600 Detroit Avenue Suite 1500 Lakewood, OH 44107	Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAR10A333	Wilmar Group 711 Browns Lane Pittsburgh, PA 15237	Brush Creek	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAR10A337	Oakview, Inc. 11676 Perry Highway Suite 110 Wexford, PA 15090	Brush Creek	Allegheny County CD (412) 241-7645
Allegheny County Shaler Township	PAR10A338	Shaler Area School District 1800 Mt. Royal Blvd. Glenshaw, PA 15116-2196	Pine Creek	Allegheny County CD (412) 241-7645

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Marshall Township	PAR10A340	Regional Industrial Development Corp. of SW PA 425 Sixth Ave., Suite 500 Pittsburgh, PA 15219-1822	Brush Creek	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAR10A342	Plum Borough School District 200 School Road Pittsburgh, PA 15239	Plum Creek	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAR10A343	West Allegheny School District P. O. Box 55 Imperial, PA 15126	Ohio River	Allegheny County CD (412) 241-7645
Allegheny County Frazer Township	PAR10A345	A V Associates LP 300 Market Street Johnstown, PA 15901	Tawney Run	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAR10A346	Amsco, Inc. P. O. Box 1101 Coraopolis, PA 15108	Flaugherty Run	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Town- ship	PAR10A347	West Allegheny School District Box 55 207 W. Allegheny Rd. Imperial, PA 15126	Montour Run	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAR10A354	RCS Development Company P. O. Box E Irwin, PA 15642	Turtle Creek	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAR10A360	CMS Nevillewood LTD Partnership 4001 Muirfield Drive Nevillewood, PA 15142	Chartiers Creek	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Borough	PAR10A363	Towne Hall Estates, Inc. 1264 Gill Hall Road Clairton, PA 15205	Peters Creek	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAR10A364	Kress Brothers Builders Inc. 4930 South Pioneer Road Gibsonia, PA 15044	Pine Creek	Allegheny County CD (412) 241-7645
Armstrong County East Franklin Town- ship	PAR10B030	Mary Jane Harvey 215 Lebanon Ave. Pittsburgh, PA 15228	Allegheny River Glade Run	Armstrong County CD (724) 548-3425
Beaver County New Sewickley Town- ship	PAR100255	Universal Development 1607 Motor Inn Girard, OH 44420	Crows Run	Beaver County CD (724) 774-7090
Beaver County Ambridge Borough	PAR100258	Taylor Milk Company 380 Merchant St. Ambridge, PA 15003	Ohio River	Beaver County CD (724) 774-7090
Cambria County Cambria Township	PAR101052	PA DEP Buildings MBC Properties P. O. Box 472 Schuylkill Haven, PA 17972	UNT Blacklick Creek	Cambria County CD (814) 472-2120
Cambria County Southmont Borough	PAR101053	C&D Associates 943 Menolter Blvd. Johnstown, PA 15905	Cheney Run	Cambria County CD (814) 472-2120
Cambria County Richland Township	PAR101054	Laurel Packaging Inc. Pepsi Cola Co. 429 Industrial Park Drive Johnstown, PA 15904	Solomon Run	Cambria County CD (814) 472-2120

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Cambria County Richland Township	PAR101054-1	Laurel Packaging Inc. Pepsi Cola Co. 429 Industrial Park Drive Johnstown, PA 15904	Solomon Run	Cambria County CD (814) 472-2120
Cambria County Hastings Borough Elder Township Susquehanna Town- ship	PAR101055	Hastings Area Industrial Development Assoc. (HAIDA) 180 Bears Road Hastings, PA 16646	Brubaker Run Chest Creek	Cambria County CD (814) 472-2120
Cambria County Cambria Township	PAR101057	Ebensburg Country Club P. O. Box 152, Loretto Road Ebensburg, PA 15931	North Branch Little Conemaugh River	Cambria County CD (814) 472-2120
Cambria County Adams Township	PAR101058	Henry and Sandra Unger 203 Crestview Drive Salix, PA 15952	UNT Little Paint Creek	Cambria County CD (814) 472-2120
Fayette County Georges Township	PAR10L048	Hunter Family Realty 519 Pittsburgh Rd. Butler, PA 15002	UNT Georges Creek	SW Regional Office (412) 442-4315
Fayette County Redstone Township	PAR10L049	Redstone Township Sewer Auth. RD 1, Box 210C Grindstone, PA 15442	Dunlap Creek	SW Regional Office (412) 442-4315
Indiana County Rayne Township	PAR103145	Bureau of Abandoned Mine Reclamation 122 S. Center St. Ebensburg, PA 15931	Crooked Creek	Indian County CD (724) 463-8547
Somerset County Stonycreek Township	PAR106131	Shanksville-Stonycreek School District P. O. Box 128 Shanksville, PA 15560-0128	Rhoads Creek	Somerset County CD (814) 445-4652
Luzerne County Plains Township	PAR10R179	Louis Neare (Add. to Mill Creek Acres) 7 Pine Wood Drive Lafin, PA 18702	Mill Creek	Luzerne CD (570) 674-7991
Schuylkill County Tremont Township	PAR105787	Distribution Center Tremont Township SEDCO Schuylkill Economic Dev. Corp. P. O. Box 659 Pottsville, PA 17901 Schuylkill Co. Mun. Auth. P. O. Box 960 Pottsville, PA 17901 Schuylkill Co. Commissioners 401 N. Second St. Pottsville, PA 17901	Poplar Creek and Lower Raush/ Swatara Creek	Schuylkill CD (570) 622-3742
Lehigh County N. Whitehall Township	PAR10Q125	Union Lutheran Church Curtis Schneck P. O. Box 96 Neffs, PA 18065	Jordan Creek	Lehigh CD (610) 391-9583
Erie County Millcreek Township	PAR10K131	Redinger Builders, Inc. 1533 West 38th St. Erie, PA 16508	Unnamed Tribu- tary to Walnut Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203



<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Erie County Millcreek Township	PAR10K134	Baldwin Brothers, Inc. 5 West 10th Street Erie, PA 16501	Walnut Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County McKean Township	PAR10K136	McKean Twp. Sewer Auth. P. O. Box 88 McKean, PA 16426	Elk Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County Millcreek Township	PAR10K137	Pastore, Inc. 2315 W. Grandview Blvd. Erie, PA 16506	Unnamed Tribu- tary to Walnut Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Lawrence County Pulaski Township	PAR103733	Kent and Darrell Mitcheltree Mitcheltree Brothers Sawmill P. O. Box 332, Rt. 551N Pulaski, PA 16143	Unnamed Tribu- tary to Buchanan Run	Lawrence Conservation Dist. Lawrence County Government Center 430 Court Street New Castle, PA 16101- 3593 (724) 652-4512

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lackawanna Co. Avoca Borough	PAR802210	Wilkes-Barre International Airport Avoca, PA 18641	Mill Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Blair County Logan Township	PAR803614	Norfolk Southern Railway Company (Juniata Locomotive Shop) 110 Franklin Road S.E. Roanoke, VA 24042	Spring Run	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Logan Township	PAR803615	Norfolk Southern Railway Company (The Rose Yard) 110 Franklin Road S.E. Roanoke, VA 24042	Little Juniata River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Reading City	PAR803621	Norfolk Southern Railway Company (Spring Street Reading Yard) 110 Franklin Road S.E. Roanoke, VA 24042	Schuylkill River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Clearfield County Bradford Township	PAG044801	Bradley Livergood RD 1, Box 376A Frenchville, PA 16836	Unnamed tributary of Sulfur Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Montour County Mahoning Township	PAG045057	Mark S. Ruk 209 Bald Top Rd. Danville, PA 17821	UNT to Susquehanna	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Upper Fairfield Township	PAG044975	Henry G. Thomas 848 Back St. Montoursville, PA 17754	UNT of Kaiser Hollow Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Bradford Township	PAG045065	John and Diane Price RD 1, Box 315 Port Matilda, PA 16870	West Br. Susquehanna	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Centre County Worth Township	PAG045066	Kenneth B. Klein P. O. Box 189 Port Matilda, PA 16870	Laurel Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Tioga County Chatham Township	PAG045030	John and Nancy Thomas P. O. Box 347 Mt. Gretna, PA 17064	UNT to Crooked Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Centre County Union Township	PAG045068	Eugene Dubbs, Jr. 1794 Bush Hollow Rd. Julian, PA 16844	UNT of Bald Eagle Ck.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Wolf Creek Township Mercer County	PAG048594	Dan R. Doherty 1981 Scrubgrass Rd. Jackson Center, PA 16133	Unnamed Tribu- tary to a Strip Mine Pond	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335- 3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Reading Township Adams County	PAG-08-0002 PAG-08-0003 PAG-08-0008 PAG-08-0009 PAG-08-2201 PAG-08-2703 PAG-08-3501 PAG-08-3515 PAG-08-3825	CDR Mid Atlantic 59 South 3rd Street P. O. Box 70 Oxford, PA 19363	Harry H. Fletcher Farms Ethel Grim Farms	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Oley Township Berk County	PAG-08-0002 PAG-08-0003 PAG-08-0008 PAG-08-0009 PAG-08-2201 PAG-08-2703 PAG-08-3501 PAG-08-3515 PAG-08-3825	CDR Mid Atlantic 59 South 3rd Street P. O. Box 70 Oxford, PA 19363	Swight and Greg Zook Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Upper Bern Township Berks County	PAG-08-0007 PAG-08-3521	Mobile Dredging and Pumping Co. 3100 Bethel Road Chester, PA 19013-1488	Frank Barley Farms 1 & 2	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Oley Township Berks County	PAG-08-0004 PAG-08-0007	Mobile Dredging and Pumping Co. 3100 Bethel Road Chester, PA 19013-1488	Harold Hetrick Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Upper Bern Township Berks County	PAG-08-0007 PAG-08-3521	Mobile Dredging and Pumping Co. 3100 Bethel Road Chester, PA 19013-1488	Thomas Zimmer- man Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Centre County Bellefonte Borough	PAG-084814	Walter B. Peterson, Manager Borough of Bellefonte 236 West Lamb St. Bellefonte, PA 16823		Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

*General Permit Type—PAG-9*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Monroe Township Cumberland County	PAG-09-3520	Williams Grove Amusement Park and Speedway One Park Avenue Mechanicsburg, PA 17055	Williams Grove Amusement Park and Speedway One Park Avenue Mechanicsburg, PA 17055	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## HAZARDOUS SITES CLEANUP

**Under the Act of October 18, 1988**

**Notice of Prompt Interim Response**

**Dickson Road—Avtex Mercury Site**

**Woodcock Township, Crawford County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), has conducted a response action for the Dickson Road—Avtex Mercury Site (site). The site is located east of, and adjacent to, Dickson Road and south of Ryan Road in Woodcock Township, Crawford County, PA. The site is a residential property, where media from the trickling filter of the wastewater treatment plant at the former Avtex Fibers, Inc. facility (media), was utilized as fill material for a driveway. That media was contaminated with mercury, and was determined to have caused a release of mercury into the environment at the site.

Elevated levels of the hazardous substance mercury were detected in the media and soils and sediments at the site. The driveway contained two primary areas of media deposition. These two areas were the turn-around portion adjacent to the garage and the culvert pipe portion at the junction with Dickson Road.

For this prompt interim response, the Department considered two alternatives for the site: 1) no action; and 2) remove and dispose off-site the hazardous substance-containing media.

Each alternative was evaluated with respect to three comparison criteria of: 1) Effectiveness; 2) Implement-

ability; and 3) Cost. Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department chose to implement Alternative 2 (remove and dispose off-site the hazardous substance-containing media) as the prompt interim response for the site. This alternative was proposed because it would, in the more cost-effective manner, protect the public and environmental receptors from direct contact with site-related hazardous substances, and eliminate the ongoing release and threat of release of hazardous substances into the environment.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Please telephone beforehand for an appointment, (814) 332-6648.

The administrative record will be open for comment from July 31, 1999, until October 29, 1999. Persons may submit written comments into the record during this time only, by sending them to Mark Gorman, Program Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. Persons wishing to present comments must register with Mark Gorman at the Department's Northwest Regional Office before September 15, 1999, by telephone or in writing. Persons interested in finding out if individuals have registered should contact Mark Gorman. If no one registers to present oral comments before September 15, 1999, the public meeting will not be held.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Mark Gorman at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Palm Industrial Center**, Hereford Township, **Berks County**. Palm Partners, 404 Main Street, Pennsburg, PA 18073, has submitted a Final Report concerning remediation of site soils contaminated with PHCs and PAHs. The report is intended to document remediation of the site to the Statewide health standard.

**Ladd Hanford Used Auto Coral**, North Lebanon Township, **Berks County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Suite B, Ephrata, PA 17522, has submitted a combined Remedial Investigation and Final Report concerning remediation of site

groundwater contaminated with solvents, BTEX and PHCs. The reports are intended to document remediation of the site to a combination of the Statewide health and site-specific standards.

**GPU Met Ed Former Hamburg Coal Gas Plant Site**, Hamburg Borough, **Berks County**. GPU Energy, 201 Penn Street, Suite 300, P. O. Box 16001, Reading, PA 19640-0002, has submitted a Final Report concerning remediation of site groundwater contaminated with PAHs. The report is intended to document remediation of the site to the Statewide health standard. GPU Energy has also submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with PAHs. The report is intended to document remediation of the site soils to the site-specific standard.

## SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Heritage Transport, L.L.C.**, 7901 West Morris Street, Indianapolis, IN 46231; License No. **PA-AH 0200**; renewal license issued June 28, 1999.

**K&D Industrial Services, Inc.**, 30105 Beverly Road, Romulus, MI 48174; License No. **PA-AH 0320**; renewal license issued June 29, 1999.

**Plainfield Motor Service**, 724 West Route 126, Plainfield, IL 60544; License No. **PA-AH 0573**; renewal license issued July 7, 1999.

**Radiological Imaging Services of Pennsylvania**, 328 South Third Street, Hamburg, PA 19526; License No. **PA-AH 0494**; renewal license issued July 6, 1999.

**Sumter Transport Company**, P. O. Box 1060, Sumter, SC 29151-1060; License No. **PA-AH 0439**; renewal license issued June 28, 1999.

**Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Rinchem Company, Inc.**, 6133 Edith Boulevard Northeast, Albuquerque, NM 87107; License No. **PA-AH S205**; license issued June 28, 1999.

**The Tree Organization, Ltd.**, 208 Route 109, Farmingdale, NY 11735; License No. **PA-AH 0391**; license issued June 22, 1999.

**Licenses expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Envirocon Services, Inc.**, 116 Bellamy Place, Stockbridge, GA 30281; License No. **PA-AH 0565**; license expired on June 30, 1999.

**Mill Service, Inc.**, 1815 Washington Road, Pittsburgh, PA 15241-1498; License No. **PA-AH 0140**; license expired on June 30, 1999.

**Philip Services/North Atlantic, Inc.**, 31 Waldron Way, Portland, ME 04103; License No. **PA-AH 0566**; license expired on June 30, 1999.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permits revoked under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.*

**Permit No. 603369. Leib Farm**, Dover Township, 3480 West Canal Road, Dover, PA 17315. This permit has been revoked at the request of the permittee for a site in Upper Bern Township, **Berks County**. Permit revoked in the Regional Office July 13, 1999.

#### **PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE**

##### **INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

**Renewal licenses issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P.S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Medwaste Management, Inc., of New England**, P. O. Box 1281, Cromwell, CT 06416; License No. **PA-HC 0198**; renewal license issued June 29, 1999.

**Weavertown Transport Leasing, Inc.**, 3866 Millers Run Road, McDonald, PA 15057; License No. **PA-HC 0020**; renewal license issued June 18, 1999.

**York Hospital**, 1001 S. George Street, York, PA 17405; License No. **PA-HC 0017**; renewal license issued June 18, 1999.

**License expired under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P.S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Domenick Pucillo Disposal, Inc.**, 1420 Chestnut Avenue, Hillside, NJ 07205; License No. **PA-HC 0161**; license expired June 30, 1999.

## **AIR QUALITY**

### **OPERATING PERMITS**

**Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**21-310-025A: Hempt Brothers, Inc.** (205 Creek Road, Camp Hill, PA 17011), issued July 13, 1999, for operation of an impact crusher controlled by wet suppression in Lower Allen Township, **Cumberland County**. This source is subject to 40 CFR Part 60.4, Subpart OOO, Standards of Performance for New Stationary Sources.

**38-313-020A: Lebanon Chemical Corporation**, (P. O. Box 180, Lebanon, PA 17042), issued July 12, 1999, for operation of fertilizer drying system at 1600 East Cumberland Street in South Lebanon Township, **Lebanon County**.

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-313-003C: Esschem, Inc., Div. of Justi Group, Inc.** (4000 Columbia Avenue, Linwood, PA 19061), issued July 12, 1999, for methacrylate based polymer process in Lower Chichester Township, **Delaware County**.

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-15-0004: Reynolds Metals Co.** (520 Lincoln Avenue, Downingtown, PA 19335), issued July 14, 1999, for Facility VOCs RACT in Downingtown Borough, **Chester County**.

### **PLAN APPROVALS**

**Plan Approvals issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-15-0083: D'Anjolell Memorial Home** (392 Lancaster Avenue, Frazer, PA 19355), issued for operation of a human crematory in East Whiteland Township, **Chester County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-3071A: Wolfe Dye & Bleach Works, Inc.** (25 Ridge Road, Shoemakersville, PA 19555-8916), issued

July 1, 1999, for construction of a textile dryer at the Shoemakersville Plant in Perry Township, **Berks County**.

**28-02001A: Martin's Famous Pastry Shoppe, Inc.** (1000 Potato Roll Lane, Chambersburg, PA 17201-8800), issued July 9, 1999, for operation of bakery ovens at the Chambersburg Bakery in Guilford Township, **Franklin County**.

**67-03057B: Fypon, Ltd.** (22 West Pennsylvania Avenue, Stewartstown, PA 17363), issued July 13, 1999, for installation of four paint spray booths controlled by dry filter systems in Stewartstown Borough, **York County**.

**67-05024B: Lehigh Portland Cement Co.** (200 Hokes Mill Road, York, PA 17404), issued July 13, 1999, for installation of a fabric filter in West Manchester Township, **York County**.

**Plan Approval extensions issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**46-318-045: Dept. of the Air Force** (Langley Street, Horsham, PA 19044), issued July 12, 1999, for operation of a paint spray booth in Horsham Township, **Montgomery County**.

**46-399-104: MM SKB Energy LLC** (709 Swedeland Road, Upper Merion, PA 19406), issued July 13, 1999, for operation of five I. C. diesel engines in Upper Merion Township, **Montgomery County**.

**PA-46-0124: Montgomery Chemical** (901 Conshohocken Road, Conshohocken, PA 19428), issued July 13, 1999, for operation of a chemical manufacturing process in Plymouth Township, **Montgomery County**.

**PA-15-0016B: Worthington Steel Co.** (45 North Morehall Road, Malvern, PA 19355), issued July 15, 1999, for operation of a coil coating line in East Whiteland Township, **Chester County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**07-308-011F: Fry Metals, Inc.** (4100 Sixth Avenue, Altoona, PA 16602), issued June 13, 1999, to authorize temporary operation of 36 tin/lead kettles and 7 no lead kettles controlled by a fabric filter covered under this Plan Approval until October 10, 1999, in Altoona City, **Blair County**.

**22-03022: Wenger Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026), issued July 9, 1999, to authorize temporary operation of a new feedmill controlled by fabric filters and cyclones covered under this Plan Approval until December 31, 1999, on Route 25 in Lykens Township, **Dauphin County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation

Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### Coal Permits Issued

**32930102.** Permit Renewal for reclamation only, **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), for continued restoration of bituminous-auger strip mine in Canoe and Banks Townships, **Indiana County**, affecting 160.0 acres, receiving stream unnamed tributaries to Canoe Creek. Application received July 9, 1999; issued July 12, 1999.

**32930104.** Permit Revision, **P & N Coal Company, Inc.** (P. O. Box 332, 240 West Mahoning Street, Punxsutawney, PA 15767), to change the land usage from forestland, pastureland or cropland to unmanaged natural habitat in East Mahoning Township, **Indiana County**, affecting 326.0 acres, receiving streams unnamed tributaries of Rayne Run, Rayne Run and Dixon Run. Application received May 10, 1999; issued July 12, 1999.

**32980115. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous-auger strip mine in Rayne Township and Ernest Borough, **Indiana County**, affecting 27.5 acres, receiving stream McKee Run. Application received December 14, 1998. Permit issued July 6, 1999.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

**03980108. Stitt Coal Company, Inc.** (R. R. 1, Box 197A, Ford City, PA 16226). Permit issued for commencement, operation and reclamation of a bituminous/sandstone, shale, limestone and underclay surface/auger mine located in Kittanning Township, **Armstrong County**, affecting 189.8 acres. Receiving streams: unnamed tributaries to Garrets Run and Garrets Run to the Allegheny River. Application received: December 3, 1998. Permit issued: July 14, 1998.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17940116. Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830), transfer of an existing bituminous surface mine permit from Al Hamilton Contracting Company located in Penn Township, **Clearfield County** affecting 247 acres. Receiving streams: Poplar Run. Application received March 31, 1999. Permit issued July 12, 1999.

**14663004. Power Operating Co., Inc.** (P. O. Box 25, Osceola Mills, PA 16666), renewal of an existing bituminous surface mine-refuse disposal permit located in Rush Township, **Centre County** affecting 1,001.3 acres. Receiving streams: Moshannon Creek to West Branch Susquehanna River. Application received March 31, 1999. Permit issued June 30, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**19930101R. Burnrite Coal Company** (325 Mulberry Street, Atlas, PA 17851), renewal of an existing anthracite surface mine operation in Conyngham and Mt. Carmel

Townships, **Columbia and Northumberland Counties** affecting 556.1 acres, receiving stream—none. Renewal issued July 16, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Permits Issued*

**06820601T2. Allan A. Myers, Inc. d/b/a Independence Construction Materials** (P. O. Box 98, Worchester, PA 19490), transfer of an existing quarry operation in New Morgan Borough, **Berks County** affecting 97.6 acres, receiving stream—unnamed tributary to East Branch of Conestoga River. Transfer issued July 16, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

*Small Noncoal (Industrial Mineral) Permits Issued*

**53982801. Mike Lepre** (P. O. Box 1617, Hop Bottom, PA 18824), commencement, operation and restoration of a small industrial minerals (bluestone) permit in West Branch Township, **Potter County** affecting 2 acres. Receiving streams: Mud Hollow and unnamed tributary to Crippen Run, tributary to Little Kettle Creek, Crippen Run. Application received November 10, 1998. Permit issued July 8, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**58992801. Delaware Valley Landscape Stone, Inc.** (P. O. Box 778, 6603 Route 202, New Hope, PA 18938), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream—none. Permit issued July 16, 1999.

*Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.*

*Coal Applications Returned*

**03980107. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Application returned for commencement, operation and reclamation of a bituminous surface auger mine in Washington Township, **Armstrong County**, that was proposed to affect 355.6 acres. Receiving streams: Unnamed tributaries to Allegheny River to Allegheny River. Application received: May 12, 1999. Application returned: June 28, 1999.

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board

within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-826. Encroachment Permit. Montgomery Township Municipal Authority**, 1001 Stump Road, Montgomeryville, PA 18936. To restore 180 linear feet of stream banks in and along an unnamed tributary to Neshaminy Creek (WWF, MF) to protect an existing sewer line associated with the Ville-Glen Sanitary Interceptor Line. This site is located approximately 2,400 feet northeast of the intersection of Route 309 and Richardson Road (Doylestown, PA Quadrangle N: 2.5 inches; W: 16.0 inches) in Montgomery Township, **Montgomery County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-298. Encroachment. P.E.I. Power Corporation**, One PEI Center, Wilkes-Barre, PA 18711-0601. To construct and maintain a 76.25-foot long, 12-foot × 9-foot reinforced concrete arch extension to the existing 588-foot long stream enclosure in Laurel Run. The project, which will provide access to the proposed PEI Power Park, is located downstream of the existing S.R. 6006 stream enclosure (Olyphant, PA Quadrangle N: 20.9 inches; W: 4.3 inches) in Archbald Borough, **Lackawanna County**.

**E39-362. Encroachment. North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037-2118. To excavate in a de minimis area of wetlands equal to 0.02 acre; To construct and maintain 110 linear feet of gabion basket retaining wall ranging in height from 4 feet to 9 feet along the west bank of Copeechan Creek; To construct and maintain a 6-inch diameter P.V.C. and 18-inch diameter S.L.C.P.P. stormwater outfall and associated rock protection along the northern bank of a tributary to Copeechan Creek; To relocate approximately 462 linear feet of a tributary to Copeechan Creek with work consisting of constructing 585 linear feet of trapezoidal channel having a bottom width of 10 feet with 2.5 H: 1.0V side slopes; To remove the existing structures and to construct and maintain two road crossings as follows: a 12-foot × 4-foot open bottom concrete culvert in Copeechan Creek and a 12-foot × 2.5-foot concrete box culvert in a tributary to Copeechan Creek. The project is associated with T-719 (Washington Street) roadway widening project and is located south of T-719 approximately 400 feet east of its intersection with T-730 (Opossum Lane) (Cementon, PA Quadrangle N: 11.6 inches; W: 17.2 inches) in North Whitehall Township, **Lehigh County**.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E22-400.** Encroachment. **Eugene and Sandra Mulitsch**, 2585 Morgan Hill Rd., Easton, PA 18042. To construct and maintain a bridge having a span of 16 feet and a clearance of 4 feet across the channel of Shippens Run (WWF) at a point along Shippen Dam Road (Millersburg, PA Quadrangle N: 9.9 inches; W: 11.6 inches) for the purpose of providing access to a single family residence in Upper Paxton Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-624.** Encroachment. **Eastern Development & Design**, P. O. Box 163, Red Lion, PA 17356. To place fill in 0.25 acre of wetlands for the purpose of constructing access roads in Phase II of the Greens at Westgate subdivision located along Westgate Drive approximately 1.5 miles northwest of York (West York, PA Quadrangle N: 19.4 inches; W: 2.75 inches) in West Manchester Township, **York County**. The permittee is required to provide a minimum of 0.60 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

**E67-654.** Encroachment. **Windsor Township**, 400 Bahns Mill Road, Red Lion, PA 17356. To remove an existing structure and to construct and maintain a double 12 foot by 5 foot by 30 foot long concrete box culvert and to place 10 linear feet of riprap at both inverts to this culvert on Riddle Road over Kreutz Creek (WWF) just south of SR 0124 (Red Lion, PA Quadrangle N: 15.5 inches; W: 14.0 inches) in Windsor Township, **York County**. A de minimis area of wetlands equal to 300 square feet will be impacted as a result of this project. This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management, Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E14-342.** Encroachment. **Larry Day and Troy Day**, RR 2, Box 84A, Spring Mills, PA 16875. To repair, operate and maintain a single span bridge across Penns Creek to provide access to private property. The repair work shall consist of the (1) placement of riprap for abutment scour protection; (2) construction of abutment extensions; and (3) construction of a new bridge superstructure. The repair work shall be completed to maintain a clear opening of 25.95 feet, an underclearance of 6.4 feet and a skew of 82 degrees that is located along the northern right-of-way of SR 0045 approximately 925 feet east of SR 2012 and Swamp Church Road intersection (Spring Mills, PA Quadrangle N: 22.0 inches; W: 14.7 inches) in Gregg Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-265.** Encroachment. **Keystone Central School District**, One Keystone Central Drive, Mill Hall, PA 17751-9668. To construct and maintain a vehicle parking lot and related structures in the floodplain of Bald Eagle Creek and an unknown tributary to Bald Eagle Creek. The project is located approximately 500 feet north of the intersection of Route 150 and SR 2020 (Lusk Run Road) (Beech Creek, PA Quadrangle N: 21 inches; W: 1 inch) in Bald Eagle Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects."

**E18-269.** Encroachment. **Ron Paule**, 600 Freeport Road, Butler, PA 16002. To maintain an existing cabin structure in the floodway of an unnamed tributary to Tangascootak Creek and to maintain an existing single lane steel I-beam and top grated bridge with a maximum underclearance of 6 feet over an unnamed tributary to Tangascootak Creek adjacent to Mill Branch Road approximately 4 miles south of the intersection of Mill Branch Road with Eagleton Road (Howard NW, PA Quadrangle N: 8 inches; W: 3 inches) in Bald Eagle Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E19-185.** Encroachment. **William and Sara May**, 456 West Third Street, Bloomsburg, PA 17815. To maintain an existing fill of 100 feet long by 50 feet wide by 7 feet high and to place clean fill material 45 feet long by 50 feet wide by 7 feet high in the floodway of Montour Run located on Montour Blvd. (Rt. 11) (Danville, PA Quadrangle N: 18.8 inches; W: 16.9 inches) in Montour Township, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects."

#### *Permits Issued and Actions on 401 Certification*

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E25-581.** Encroachment. **Erie Western Pennsylvania Port Authority**, 17 West Dobbins Landing, Erie, PA 16507-1424. To place a total of approximately 500,000 cubic yards of material dredged from the bed of Presque Isle Bay and local Lake Erie waters into the Erie Harbor Confined Disposal Facility (CDF) to create an upland public recreational area located south of the entrance channel to Presque Isle Bay (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches) located in the City of Erie, **Erie County**.

**E62-345.** Encroachment. **Sugar Grove Township**, R. D. 4, Box 205, Sugar Grove, PA 16350. To remove the existing bridge and to construct and maintain three 7-foot-diameter C.M. pipe culverts in Patchen Run on T-452 (Deer Run Road) approximately 400 feet north of T-579 (Sugar Grove, PA Quadrangle N: 11.6 inches; W: 14.8 inches) located in Sugar Grove Township, **Warren County**.

#### **SITE SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site Specific Installation Permit, under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—1102) and 25 Pa. Code Chapter 245, Subchapter C, has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.**



<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
99-09-002	Rhodia Morrisville Plant 2300 South Pennsylvania Ave. Morrisville, PA 19067-9067	Bucks County Falls Township	AST storing Phosphoric Acid 26,750 gallons

[Pa.B. Doc. No. 99-1236. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

#### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### *Final Guidance*

DEP ID: 563-2112-658 Title: Imminent Hazards Associated with Subsidence from Active Mining Description: This guidance describes the procedures the Department will follow in identifying and addressing hazards posed by subsidence from underground bituminous coal mining. This guidance deals specifically with surface effects and does not pertain to the safety of underground coal miners. No additional changes were made to this guidance with effective date listed as June 1, 1999. Effective Date: July 31, 1999 Contact: Harold Miller at (717) 783-8845.

DEP ID: 563-2000-001 Title: Government-Financed Construction Contracts Description: This document defines procedures for authorizing incidental and necessary coal extraction and utilization of excess spoil from an active mine for reclaiming abandoned mine lands under a government-financed construction contract. No additional changes were made to this guidance with effective date

listed as May 28, 1999. Effective Date: July 31, 1999 Contact: Nevin Strock at (717) 783-8845.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1237. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Environmental Justice/Equity Work Group Meeting

The Department of Environmental Protection's Environmental Justice/Equity Work Group is holding a meeting on August 2, 1999, from 8 a.m. to 5:30 p.m. at the Holiday Inn East, 4751 Lindle Road, Harrisburg, PA. The work group is assisting the agency in developing an environmental justice policy and program. Anyone wishing to attend the meeting or who has questions regarding the meeting should contact Alisa Harris, Environmental Equity Coordinator, at (717) 787-4449.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodations to do so should contact Alisa Harris at (717) 787-4449.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1238. Filed for public inspection July 30, 1999, 9:00 a.m.]

### State Board for Certification of Sewage Treatment Plant and Waterworks Operators; Special Committee Meeting

The Wastewater Workgroup will hold a special meeting on Wednesday, August 18, 1999 from 9:30 a.m. to 3:30 p.m. in the 10th Floor of the Rachel Carson State Office Building at 400 Market Street, Harrisburg, PA. The purpose of the meeting will be to discuss the results of the Wastewater Training Priority Assessment Survey and to review the draft final training matrix.

Questions concerning this schedule or agenda items can be directed to Christine Sowers at (717) 787-0122 or e-mail at [Sowers.Christine@dep.state.pa.us](mailto:Sowers.Christine@dep.state.pa.us). This schedule, an agenda for the meeting, and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Christine Sowers directly at (717) 787-0122 or

through the Pennsylvania AT&T Relay Service at 1(800)654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1239. Filed for public inspection July 30, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Corry Memorial Hospital for Exception to 28 Pa. Code §§ 143.4 and 143.7

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Corry Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 143.4 and 143.7 which states that physicians shall perform admission appraisals of all patients. Corry requests that it be permitted to credential podiatrists to perform complete patient history and physical examinations.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1240. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Application of the Good Samaritan Hospital for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that The Good Samaritan Hospital has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Good Samaritan specifically requests exemption from the standard contained in this publication which requires at least one island-type bathtub in each nursing unit. Good Samaritan requests an

exception to be permitted to utilize a roll-in accessible shower and a code compliant transfer shower in lieu of the island tub. Good Samaritan also plans to have a residential type tub for patient training.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1241. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Application of Hahnemann University Hospital for Exception to 28 Pa. Code § 571.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Hahnemann University Hospital has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Hahnemann specifically requests exemption from standards contained in this publication which require that handwashing facilities shall be provided in each patient bedroom. Hahnemann requests an interim exception for a period of 13 months to allow the current renovation of these rooms to be completed to meet the requirements of the regulation.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within ten 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department

and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1242. Filed for public inspection July 30, 1999, 9:00 a.m.]

### **Application of J. C. Blair Memorial Hospital for Exception to 28 Pa. Code § 107.62(a)**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that J. C. Blair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) which provides that oral orders are permissible only under urgent circumstances and that all oral orders shall be counter-signed within 24 hours. J. C. Blair requests that it be permitted to receive oral orders for other than urgent circumstances and that the physician be permitted to counter-sign the orders at the time of the next contact with the patient instead of within 24 hours.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1243. Filed for public inspection July 30, 1999, 9:00 a.m.]

### **Application of Latrobe Area Hospital for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Latrobe Area Hospital has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and construction of Hospital and Healthcare Facilities. Latrobe specifically requests ex-

emption from the standards contained in this publication which require that an airborne isolation room in an emergency department have an integral patient bathing facility. The hospital requests an exception that the Isolation Room not be required to have a bathing facility as patients entering the emergency facility would not be bathed in the Emergency Department but, if admitted, would be transferred to a respiratory isolation room equipped with a bathing facility.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1244. Filed for public inspection July 30, 1999, 9:00 a.m.]

### **Application of Marian Community Hospital for Exception to 29 Pa. Code §§ 143.4 and 143.7**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Marian Community Hospital has requested an exception to the requirements of 28 Pa. Code §§ 143.4 and 143.7 which states that physicians shall perform admission appraisals of all patients. Marian requests that podiatrists be permitted to perform complete patient history and physicals.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Pennsylvania Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommo-

dation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1245. Filed for public inspection July 30, 1999, 9:00 a.m.]

### **Application of Memorial Hospital for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Memorial specifically requests exemption from standards contained in this publication establishing minimum room sizes for Caesarean section delivery rooms.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1246. Filed for public inspection July 30, 1999, 9:00 a.m.]

### **Application of Sewickley Valley Hospital for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Sewickley Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Sewickley Valley specifically requests exemption from the standard contained in this publication which requires the presence of a control/nurse

station adjacent to a Caesarean/Delivery Suite to restrict unauthorized traffic into the suite.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1247. Filed for public inspection July 31, 1999, 9:00 a.m.]

### **Application of St. Francis Hospital of New Castle for Exception to 28 Pa. Code § 107.32**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Francis Hospital of New Castle has requested an exception to the requirements of 28 Pa. Code § 107.32 which requires hospital general medical staff meetings to be held on a monthly basis. The hospital requests an exception to allow departmental meetings to be held six times a year instead of monthly.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute

& Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1248. Filed for public inspection July 31, 1999, 9:00 a.m.]

### **Application of the Washington Hospital for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that The Washington Hospital has requested an exception to the requirements of 28 Pa. Code § 571.1 which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Washington specifically requests exemption from the standard contained in this publication requiring each operating room to have a minimum clear area of 360 square feet, exclusive of cabinets and shelves. Washington requests an exception to be allowed to utilize two existing 270 square foot treatment rooms as two operating rooms.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1249. Filed for public inspection July 30, 1999, 9:00 a.m.]

### **Application of Wills Eye Surgery Center in South Philadelphia for Exception to 28 Pa. Code § 571.1**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Wills Eye Surgery Center in South Philadelphia has requested an exception to the requirements of 28 Pa. Code § 571.1 which require compliance with the standards contained in the following publication: Guidelines for Design and Construction of

Hospital and Healthcare Facilities. Wills Eye Surgery Center specifically requests exemption from the standard contained in this publication which requires three vacuum outlets per bed in the post-anesthesia care and outpatient recovery areas. Wills Eye Surgery Center is requesting permission to have one vacuum outlet per bed in the post-anesthesia care and outpatient recovery areas.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute & Ambulatory Care, Pennsylvania Department of Health, Room 532 Health & Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax (717) 772-2163, E-Mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute & Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1250. Filed for public inspection July 30, 1999, 9:00 a.m.]

### **Availability of Final Maternal and Child Health Services Block Grant Application for Federal Fiscal Year 2000**

The Department of Health is making copies available of the Final Maternal and Child Health Services Block Grant Application for Federal Fiscal Year 2000, under 42 U.S.C.A. § 705(a)(5)(F). This application is the Commonwealth of Pennsylvania's request to the United States Department of Health and Human Services for block grant funding, and contains the Department's Maternal and Child Health Services Annual Report for Federal Fiscal Year 1998.

The block grant application, which describes proposed services, program goals, objectives and activities, can be obtained on the Department of Health's website <http://www.health.state.pa.us/php/> or by contacting the Department of Health Bureau of Family Health at the following address or telephone numbers: Department of Health, Bureau of Family Health, Room 733, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, or by calling (717) 787-7192; V/TT (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984[TT].

Persons with a disability who require an alternative format of the above-mentioned application (for example,

large print, audio tape, Braille) should also contact the Bureau of Family Health at the foregoing address or telephone numbers.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1251. Filed for public inspection July 30, 1999, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Office of Vocational Rehabilitation; Public Comment on Amendment to State Plan

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), including the Bureau of Blindness and Visual Services (BBVS), under the Rehabilitation Act of 1973 as amended in the Workforce Investment Act of 1998, announces a period of public comment throughout the Commonwealth. The purpose of this period of comment is to provide individuals, advocates and other interested parties and/or organizations the opportunity to present their views and recommendations regarding vocational rehabilitation (VR) services for persons with disabilities. In Pennsylvania, those services are provided by OVR through a network of 21 local offices including the OVR and the BBVS District Offices and the Hiram G. Andrews Center.

OVR, including BBVS, is required under law to develop and implement a State Plan which must be reviewed and revised annually and when there are changes to the state's VR program. The State Plan is a compliance document filed with the Commissioner, Rehabilitation Services Administration, United States Department of Education. It is the blueprint for the provision of VR services to persons with disabilities in the Commonwealth of Pennsylvania.

There are currently two State Plans, one for the general VR program through OVR and a second for the blind VR program through BBVS. As a result of the recent transfer of BBVS from the Department of Public Welfare to the Department of Labor and Industry, Federal law requires the amendment of the Plans to a combined State Plan.

This period of public comment gives interested parties an opportunity to provide input regarding Pennsylvania's public VR program. Specifically, comment is being solicited regarding the following State Plan components: cooperation and coordination with other agencies and entities; comprehensive system of personnel development; comprehensive needs assessment; state's goals and priorities; order of selection; strategic plan; innovation and expansion activities; mediation and impartial due process hearing procedures; services subject to financial needs test; and supported employment services.

A Towne Meeting is scheduled for Wednesday, August 4, 1999 from 10 a.m. until 1 p.m. at the Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA to allow individuals and organizations the opportunity to present their input.

Copies of a Summary of Draft Revisions and current State Plans are available on the OVR web site: [www.dli.state.pa.us/ovr/index/htm](http://www.dli.state.pa.us/ovr/index/htm). If you would like to be

scheduled to speak at the Towne Meeting, have a reasonable accommodation for the meeting, have an alternative format request, or would like copies of the Plan documents, please contact Joan Kester at 1-800-442-6351, TTY 800-233-3008, e-mail: [jkester@dli.state.pa.us](mailto:jkester@dli.state.pa.us) OR Bill Zappini 800-622-2842, TTY 717-787-6176, e-mail: [wzappini@dpw.state.pa.us](mailto:wzappini@dpw.state.pa.us), prior to July 31, 1999. The meeting site is accessible and interpreters for people who are deaf or hard of hearing will be present.

Also, interested parties may submit written comments to: OVR, Attn: Joan Kester, 13th Floor, Labor & Industry Bldg., Harrisburg, PA 17120; BBVS, Attn: Bill Zappini, P.O. Box 2675, Harrisburg, PA 17105; or e-mail [ovr@dli.state.pa.us](mailto:ovr@dli.state.pa.us). Comments will be accepted through August 4, 1999.

Input received through this period of public comment will be used by OVR, including BBVS, and key stakeholders to amend the Draft Plan. The Amended Draft Plan will be considered for approval by the State Board of Vocational Rehabilitation in September, 1999. The effective date of the Amended Plan is October 1, 1999.

JOHN J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 99-1252. Filed for public inspection July 30, 1999, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payments to Nursing Facilities; July 1, 1999 Proposed Rates

The purposes of this notice are to announce the proposed changes in payment rates for nursing facilities beginning July 1, 1999, and to identify the methodology and justification for these proposed rates. Under 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997, P. L. 105-33, § 4711, a state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan. The Department of Public Welfare (Department) is not proposing to amend its State Plan or to change its regulations, 55 Pa. Code Chapter 1187, relating to the rate-setting methodology used to set nursing facility payment rates. Rather, the Department is proposing to make changes in its nursing facility payment rates because those rate changes are required by the rate-setting methodology contained in its approved State Plan and regulations.

#### *Rates*

The proposed July 1, 1999, rates are available through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout the Commonwealth, or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2570.

#### *Methodology*

The methodology that the Department used to set the proposed rates is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

*Justification*

The justification for the proposed rates is that they were set under the rate-setting methodology required by the Commonwealth's approved State Plan and the current regulations.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1999-2000 is \$114.051 million (\$52.814 million in State funds).

Interested persons are invited to submit written comments about the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-214. (1) General Fund; (2) Implementing Year 1999-00 is \$52.814 Million; (3) 1st Succeeding Year 2000-01 is \$60.496 Million; 2nd Succeeding Year 2001-02 is \$63.621 Million; 3rd Succeeding Year 2002-03 is \$66.697 Million; 4th Succeeding Year 2003-04 is \$70.032 Million; 5th Succeeding Year 2004-05 is \$73.533 Million; (4) 1998-99 Program—\$721.631 Million; 1997-98 Program—\$617.252 Million; 1996-97 Program—\$591.910 Million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. There are funds available in the Department's budget to cover the cost of the proposed rate change.

[Pa.B. Doc. No. 99-1253. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Peer Groups, Peer Group Medians and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities

In accordance with 55 Pa. Code § 1187.95(a)(4), the Department of Public Welfare (Department) announces its peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities. The peer groups, peer group medians and peer group prices established under this notice have been calculated as provided by 55 Pa. Code Chapter 1187, 25 Pa.B. 4477 (October 14, 1995), and shall be effective for services rendered from July 1, 1999 through June 30, 2000.

To establish the database for the calculation of peer group medians and prices, the Department used each facility's three most recent audited cost reports that were issued by the Department on or before March 31, 1999, and indexed the costs for each report forward to the common date of December 31, 1999, using the HCFA Nursing Home Without Capital Market Basket Index.

Following is a listing, by group, of the number of facilities with a particular year-end and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 1999.

### General and County Nursing Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 1990	1	1.3256
December 31, 1991	5	1.2835
June 30, 1992	2	1.2590
December 31, 1992	4	1.2391
June 30, 1993	4	1.2151
December 31, 1993	9	1.1920
June 30, 1994	21	1.1753
December 31, 1994	205	1.1590
June 30, 1995	259	1.1442
December 31, 1995	311	1.1318
June 30, 1996	267	1.1167
December 31, 1996	321	1.0981
June 30, 1997	271	1.0848
December 31, 1997	118	1.0636

### Hospital-Based Nursing Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1994	8	1.1753
June 30, 1995	26	1.1442
June 30, 1996	24	1.1167
June 30, 1997	20	1.0848

### Special Rehabilitation Facilities

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1995	3	1.1442
June 30, 1996	3	1.1167
June 30, 1997	3	1.0848

\*As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the above inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. To establish peer groups, the Department used the most recent MSA group classification as published by the Federal Office of Management and Budget on or before April 1, 1999 to classify each nursing facility into one of three MSA groups or one nonMSA group. Then the Department used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the NIS database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds; 120—269; and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(1)(iv). Peer group 13 is designated for special rehabilitation facilities only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

Once the database was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility CMI from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral

resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident related cost medians, the Department first divided the audited allowable other resident related costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with § 1187.23. The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care

cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities effective July 1, 1999 are listed in Annex A. The Department will use the peer groups, peer group medians and peer group prices to determine case-mix rates for nursing facilities for the period July 1, 1999 through June 30, 2000.

Public comment regarding this notice may be sent to: Tom Jayson, Long Term Care Policy Section, Department of Public Welfare, Division of Long Term Care Provider Services, P. O. Box 8025, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative format, contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** (1) General Fund; (2) Implementing Year 1999-00 is \$11.574 Million; (3) 1st Succeeding Year 2000-01 is \$11.968 Million; 2nd Succeeding Year 2001-02 is \$12.374 Million; 3rd Succeeding Year 2002-03 is \$12.795 Million; 4th Succeeding Year 2003-04 is \$13.230 Million; 5th Succeeding Year 2004-05 is \$13.680 Million; (4) 1998-99 \$721.631 Million; 1997-98 \$617.252 Million; 1996-97 \$591.910 Million; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funds are available in the Department's budget to meet this increase in cost.

#### Annex A

### TITLE 55. PUBLIC WELFARE

### PART III. MEDICAL ASSISTANCE MANUAL

### CHAPTER 1187. NURSING FACILITY SERVICES

### Subchapter G. RATE SETTING

#### § 1187.96. Price and rate setting computations.

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	00756499	BEAVER VALLEY GERIATRIC CENTER	12/31/1996	12/31/1995	12/31/1994
1	01116388	CARE PAVILION OF WALNUT PARK, INC	06/30/1997	06/30/1996	06/30/1995
1	00756541	CHARLES M. MORRIS NSG & REHAB CTR	06/30/1997	06/30/1996	06/30/1995
1	00984672	CHESTER CARE CENTER	06/30/1997	06/30/1996	06/30/1995
1	00751859	FAIR ACRES GERIATRIC CENTER	12/31/1996	12/31/1995	12/31/1994
1	00574825	HOME FOR THE JEWISH AGED - ROBINSON	06/30/1997	06/30/1996	06/30/1995
1	00757093	IMMACULATE MARY HOME	06/30/1997	06/30/1996	06/30/1995
1	00984215	INTEGRATED HLTH SRVCS - PA BROOMALL	12/31/1996	12/31/1995	06/30/1994
1	00947848	JOHN J KANE REGIONAL CTR - GLEN HAZEL	12/31/1996	12/31/1995	12/31/1994
1	00947866	JOHN J KANE REGIONAL CTR - MCKEESPORT	12/31/1996	12/31/1995	12/31/1994
1	00934115	JOHN J KANE REGIONAL CTR - ROSS TWNHSP	12/31/1996	12/31/1995	12/31/1994
1	00936808	JOHN J KANE REGIONAL CTR - SCOTT TWNHSP	12/31/1996	12/31/1995	12/31/1994
1	00984574	MANCHESTER HOUSE NSG & CONV CENTER	06/30/1997	06/30/1996	06/30/1995



<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	00747758	MONTGOMERY CTY GERIATRIC & REHAB CTR	12/31/1996	12/31/1995	12/31/1994
1	00748147	NESHAMINY MANOR HOME	12/31/1996	12/31/1995	12/31/1994
1	00756158	PHILADELPHIA NURSING HOME	12/31/1996	12/31/1995	12/31/1994
1	00755437	POCOPSON HOME	12/31/1996	12/31/1995	12/31/1994
1	00749430	SAINT FRANCIS COUNTRY HOUSE	06/30/1997	06/30/1996	06/30/1995
1	00755197	SAINT JOHN LUTHERAN CARE CENTER	06/30/1997	06/30/1996	06/30/1995
1	00576202	WESTMORELAND MANOR	12/31/1996	12/31/1995	12/31/1994
PG 1	Resident Care Median \$75.59	Other Resident Care Median \$37.06	Administrative Median \$12.92		
PG 1	Resident Care Price \$88.44	Other Resident Care Price \$41.51	Administrative Price \$13.44		
2	00633739	ASBURY HEALTH CENTER	12/31/1996	12/31/1995	12/31/1994
2	00756210	ASHTON HALL NSG & REHAB CTR	06/30/1997	06/30/1996	06/30/1995
2	01559322	ATRIUM I NSG & REHAB CTR	12/31/1997	12/31/1996	
2	01027036	ATTLEBORO NSG & REHAB CTR	12/31/1996	12/31/1995	12/31/1994
2	01185670	BALA NSG & RETIREMENT CTR	06/30/1997	06/30/1996	06/30/1995
2	00914319	BALDOCK HEALTH CARE CENTER	06/30/1997	06/30/1996	06/30/1995
2	01104387	BALDWIN HEALTH CENTER, INC	06/30/1997	06/30/1996	06/30/1995
2	00745083	BAPTIST HOME OF PHILADELPHIA, THE	06/30/1997	06/30/1996	06/30/1995
2	00974694	BAPTIST HOMES NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
2	00857301	BEAVER VALLEY NSG & REHAB CTR	06/30/1997	06/30/1996	06/30/1995
2	01689962	BELVEDERE NSG & CONVAL CTR	06/30/1997	06/30/1996	06/30/1995
2	00972493	BEVERLY HEALTHCARE - MONROEVILLE	12/31/1997	12/31/1996	12/31/1995
2	01684349	BEVERLY HEALTHCARE - MT LEBANON MANOR	12/31/1997	12/31/1996	12/31/1995
2	01688713	BEVERLY HEALTHCARE - MURRYSVILLE	12/31/1997	12/31/1996	12/31/1995
2	00974273	BEVERLY HEALTHCARE - UNIONTOWN	12/31/1997	12/31/1996	12/31/1995
2	00984583	BISHOP NURSING HOME, THE	06/30/1997	06/30/1996	06/30/1995
2	01084640	BOULEVARD NURSING HOME	06/30/1997	06/30/1996	06/30/1995
2	00987164	BRANDYWINE HALL	06/30/1997	06/30/1996	06/30/1995
2	00940856	BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/1996	12/31/1995	12/31/1994
2	00790866	BRIARLEAF NURSING AND CONVAL CENTER	06/30/1997	06/30/1996	06/30/1995
2	00757422	BROOMALL PRESBYTERIAN HOME	12/31/1996	12/31/1995	12/31/1994
2	01129330	BUCKINGHAM VALLEY REHAB & NSG CTR	06/30/1997	06/30/1996	06/30/1995
2	00757549	CATHEDRAL VILLAGE	06/30/1997	06/30/1996	06/30/1995
2	01689971	CHAPEL MANOR NSG & CONVAL CTR	06/30/1997	06/30/1996	06/30/1995
2	00751017	CHATHAM ACRES, INC	06/30/1997	06/30/1996	06/30/1995
2	01217710	CHELTENHAM NSG & REHAB CTR	06/30/1997	06/30/1996	12/31/1994
2	01145559	CHELTENHAM YORK RD NSG & REHAB CTR	06/30/1997	06/30/1996	06/30/1995
2	01566004	CHERRY TREE NURSING CENTER	12/31/1997	12/31/1996	
2	01458553	CLIVEDEN CONVALESCENT CENTER	06/30/1997	06/30/1996	06/30/1995
2	00982838	COUNTRY MEADOWS OF SOUTH HILLS	12/31/1996	12/31/1995	12/31/1994
2	00833284	CRESTVIEW CENTER	06/30/1997	06/30/1996	06/30/1995
2	01684198	DOYLESTOWN MANOR	12/31/1997	12/31/1996	12/31/1995
2	00860307	ELKINS CREST HEALTH AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
2	01440307	ELMIRA JEFFRIES MEMORIAL HOME MGR	06/30/1997	06/30/1996	12/31/1994
2	00744970	EVANGELICAL MANOR	12/31/1996	12/31/1995	12/31/1994
2	00987155	FAIRVIEW CARE CTR OF BETHLEHEM PIKE	06/30/1997	06/30/1996	06/30/1995
2	00987173	FAIRVIEW CARE CENTER OF PAPERMILL RD	06/30/1997	06/30/1996	06/30/1995
2	01663779	FORBES NURSING CENTER	06/30/1996	06/30/1995	06/30/1994
2	00974854	GERMANTOWN HOME	06/30/1997	06/30/1996	06/30/1995
2	01005048	GOLDEN SLIPPER CLUB UPTOWN HM FOR AGED	06/30/1997	06/30/1996	06/30/1995
2	00951214	GREEN ACRES - IVY HILL NURSING HOME	06/30/1997	06/30/1996	06/30/1995
2	00791095	GREENLEAF NSG HM & CONVAL CTR	06/30/1997	06/30/1996	06/30/1995
2	00931561	GREENSBURG NSG & CONVAL CTR INC.	12/31/1997	12/31/1996	12/31/1995
2	00757487	GWYNEDD SQUARE CTR NSG & CONVAL CARE	06/30/1997	06/30/1996	06/30/1995
2	01687073	HARSTON HALL NURSING AND CONVAL HOME	06/30/1997	06/30/1996	06/30/1995
2	01005093	HEARTLAND HEALTH CARE CENTER	06/30/1997	06/30/1996	06/30/1995

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	01268915	HEMPFIELD MANOR	12/31/1997	12/31/1996	12/31/1995
2	01248609	HERITAGE SHADYSIDE, THE	06/30/1997	06/30/1996	06/30/1995
2	00810495	HILLCREST CENTER	06/30/1997	06/30/1996	06/30/1995
2	00899203	HOMESTEAD CENTER	06/30/1997	06/30/1996	06/30/1995
2	00998892	HUMBERT LANE HEALTH CARE CENTER	06/30/1997	06/30/1996	06/30/1995
2	01700513	IHS GREENERY OF CANONSBURG	06/30/1997	06/30/1996	06/30/1995
2	01470511	INTEGRATED HLTH SRVCS - BRYN MAWR CHTEAU	12/31/1996	12/31/1995	12/31/1993
2	00984224	INTEGRATED HLTH SRVCS - CHESTNUT HILL	12/31/1996	12/31/1995	06/30/1994
2	01239593	INTEGRATED HLTH SRVCS - GRTR PITTSBURGH	12/31/1996	12/31/1995	12/31/1994
2	01075875	INTEGRATED HLTH SRVCS - MOUNTAIN VIEW	12/31/1996	12/31/1995	12/31/1994
2	01468649	INTEGRATED HLTH SRVCS - PA MARPLE	12/31/1996	12/31/1995	12/31/1993
2	01470520	INTEGRATED HLTH SRVCS - PA PLYMOUTH	12/31/1996	12/31/1995	06/30/1994
2	00985938	INTEGRATED HLTH SRVCS - WHITEMARSH	12/31/1996	12/31/1995	06/30/1994
2	01664892	LAFAYETTE REDEEMER, THE	06/30/1997	06/30/1996	06/30/1995
2	00860675	LANGHORNE GARDENS REHAB & NSG CTR	06/30/1997	06/30/1996	06/30/1995
2	00757413	LEMINGTON CENTER	06/30/1997	06/30/1996	06/30/1995
2	01625929	LGAR HEALTH AND REHABILITATION CENTER	12/31/1997	12/31/1996	12/31/1995
2	01096599	LIFEQUEST NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
2	00756532	LITTLE FLOWER MANOR	06/30/1997	06/30/1996	06/30/1995
2	00986532	LOGAN SQUARE EAST	12/31/1996	12/31/1995	12/31/1994
2	00935408	LUTHER WOODS CONVALESCENT CENTER	12/31/1996	12/31/1995	12/31/1994
2	00750815	LUTHERAN WELFARE CONCORDIA HOME	06/30/1997	06/30/1996	06/30/1995
2	01296876	MAIN LINE NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
2	01717010	MAJESTIC OAKS	06/30/1997	06/30/1996	06/30/1995
2	01721077	MANATAWNY MANOR INC	06/30/1997	06/30/1996	06/30/1995
2	01085530	MANORCARE HEALTH SVCS-BETHEL PARK	12/31/1996	12/31/1995	12/31/1994
2	01106149	MANORCARE HEALTH SVCS-GREEN TREE	12/31/1996	12/31/1995	12/31/1994
2	01434990	MANORCARE HEALTH SVCS-HUNTINGDON VALLEY	12/31/1996	12/31/1995	12/31/1994
2	01211592	MANORCARE HEALTH SVCS-KING OF PRUSSIA	12/31/1996	12/31/1995	12/31/1994
2	01169621	MANORCARE HEALTH SVCS-LANSDALE	12/31/1996	12/31/1995	12/31/1994
2	01155671	MANORCARE HEALTH SVCS-MCMURRAY	12/31/1996	12/31/1995	12/31/1994
2	01601749	MANORCARE HEALTH SVCS-MERCY FITZGERALD	06/30/1997		
2	01223379	MANORCARE HEALTH SVCS-NORTH HILLS	12/31/1996	12/31/1995	12/31/1994
2	00855100	MANORCARE HEALTH SVCS-POTTSTOWN	12/31/1996	12/31/1995	12/31/1994
2	01191909	MANORCARE HEALTH SVCS-YARDLEY	12/31/1996	12/31/1995	12/31/1994
2	00857286	MANORCARE HEALTH SVCS-YEADON	12/31/1996	12/31/1995	12/31/1994
2	01460257	MAPLEWOOD MANOR CONVALESCENT CENTER	06/30/1997	06/30/1996	06/30/1995
2	00748951	MARIAN MANOR CORPORATION	06/30/1997	06/30/1996	06/30/1995
2	01470683	MARINER HEALTH CARE OF WEST HILLS	06/30/1997	06/30/1996	06/30/1995
2	00969504	MAYO CENTER	06/30/1997	06/30/1996	06/30/1995
2	00747687	MERCY DOUGLASS HUMAN SERVICES CENTER	06/30/1997	06/30/1996	06/30/1995
2	01279703	MERCY SENIOR CARE: ST. JOSEPH'S	12/31/1996	12/31/1995	12/31/1994
2	01616170	METHODIST HOSPITAL NURSING CENTER	06/30/1996	06/30/1995	06/30/1994
2	00752112	MOUNT MACRINA MANOR NURSING HOME	06/30/1997	06/30/1996	06/30/1995
2	01680715	NORTH PENN CONVALESCENT CENTER	12/31/1997	12/31/1996	12/31/1995
2	01650832	NORTHWOOD NSG & CONV CENTER	06/30/1997	06/30/1996	12/31/1993
2	01690640	OXFORD HEALTH CENTER	12/31/1997	12/31/1996	12/31/1995
2	00757600	PARK PLEASANT HEALTH CARE FACILITY	06/30/1997	06/30/1996	06/30/1995
2	00756640	PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/1997	06/30/1996	06/30/1995
2	01293963	PAUL'S RUN	12/31/1996	12/31/1995	12/31/1994
2	01177329	PEMBROOKE HEALTH AND REHAB RESIDENCE	06/30/1997	06/30/1996	06/30/1995
2	01064325	PENN CENTER FOR REHABILITATION AND CARE	06/30/1997	06/30/1996	06/30/1995

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	01686970	PENNSBURG MANOR	06/30/1997	06/30/1996	06/30/1995
2	01686559	PHOENIXVILLE CONVALESCENT MANOR	12/31/1997	12/31/1996	12/31/1995
2	01294817	PINE RUN HEALTH CENTER	06/30/1997	06/30/1996	06/30/1995
2	00974489	PRESBYTERIAN MED CENTER - WASHINGTON, PA	12/31/1997	12/31/1996	12/31/1995
2	01033893	PRESBYTERIAN MEDICAL CENTER AT OAKMONT	12/31/1997	12/31/1996	12/31/1995
2	01177347	PROSPECT PARK HEALTH AND REHAB RESIDENCE	06/30/1997	06/30/1996	06/30/1995
2	01217685	PROVIDENCE HEALTH CARE CENTER	12/31/1997	12/31/1996	12/31/1995
2	01644399	QUAKERTOWN CENTER	12/31/1996	12/31/1995	12/31/1994
2	00757262	REGENCY HALL NURSING HOME, INC	06/30/1997	06/30/1996	06/30/1995
2	00750744	REGINA COMMUNITY NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
2	01201783	RIDGE CREST NURSING AND REHAB CENTER	06/30/1996	06/30/1995	06/30/1994
2	00969999	RITTENHOUSE CARE CENTER	06/30/1997	06/30/1996	06/30/1995
2	00993831	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/1996	12/31/1995	12/31/1994
2	01056092	RIVERSIDE NURSING CENTER, INC	12/31/1996	12/31/1995	12/31/1994
2	01207938	ROCHESTER MANOR	12/31/1997	12/31/1996	06/30/1995
2	01734280	ROSLYN NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
2	00749251	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/1996	12/31/1995	12/31/1994
2	00756980	SACRED HEART MANOR	06/30/1997	06/30/1996	06/30/1995
2	00755295	SAINT ANNE HOME	06/30/1997	06/30/1996	06/30/1995
2	00750987	SAINT BARNABAS, INC	06/30/1997	06/30/1996	06/30/1995
2	01723536	SAINT FRANCIS NURSING CENTER CRANBERRY	06/30/1997	06/30/1996	06/30/1995
2	01150684	SAINT FRANCIS NURSING CENTER, EAST	06/30/1997	06/30/1996	06/30/1995
2	00750824	SAINT IGNATIUS NURSING HOME	06/30/1997	06/30/1996	06/30/1995
2	00751269	SAINT JOHN NEUMANN NURSING HOME	06/30/1997	06/30/1996	06/30/1995
2	01664918	SAINT JOSEPH'S MANOR	06/30/1997	06/30/1996	06/30/1995
2	01163341	SAINT MARGARET SENECA PLACE	06/30/1997	06/30/1996	06/30/1995
2	01186041	SAINT MARTHA MANOR	06/30/1997	06/30/1996	06/30/1995
2	00749162	SAINT MARY'S MANOR	06/30/1997	06/30/1996	06/30/1995
2	01419822	SANATOGA CENTER	06/30/1997	06/30/1996	06/30/1995
2	00751920	SAUNDERS HOUSE	06/30/1997	06/30/1996	06/30/1995
2	01004846	SHADYSIDE NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
2	01220519	SIDNEY SQUARE CONVALESCENT CENTER	12/31/1997	12/31/1996	12/31/1995
2	00748011	SILVER LAKE CENTER	06/30/1994	06/30/1993	06/30/1992
2	00969513	SILVER STREAM CENTER	06/30/1997	06/30/1996	06/30/1995
2	00748568	SIMPSON HOUSE, INC	12/31/1996	12/31/1995	12/31/1994
2	01035539	STAPELEY IN GERMANTOWN	06/30/1997	06/30/1996	06/30/1995
2	01002547	STEPHEN SMITH HOME FOR THE AGED	06/30/1997	06/30/1996	06/30/1995
2	01723410	SUBURBAN WOODS HEALTH & REHAB CTR	06/30/1997	06/30/1996	06/30/1995
2	00750851	SUNNYVIEW HOME - BUTLER COUNTY HOME	12/31/1996	12/31/1995	12/31/1994
2	00931543	SYCAMORE CREEK NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
2	01684385	TANDEM HEALTH CARE OF CHESWICK	12/31/1996	12/31/1995	12/31/1994
2	00749108	TEL HAI NURSING CENTER, INC	06/30/1997	06/30/1996	06/30/1995
2	01426157	TOWNE MANOR EAST	12/31/1994	12/31/1992	12/31/1991
2	01426371	TOWNE MANOR WEST	12/31/1994	12/31/1992	12/31/1991
2	01184557	TUCKER HOUSE	06/30/1997	06/30/1996	06/30/1995
2	01216795	VALENCIA WOODS NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
2	00943624	VALLEY CARE NURSING HOME, INC	06/30/1997	06/30/1996	06/30/1995
2	00860263	VALLEY MANOR NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
2	00756971	VINCENTIAN HOME	06/30/1997	06/30/1996	06/30/1995
2	01006199	WALLINGFORD NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
2	00757048	WASHINGTON COUNTY HEALTH CENTER	12/31/1996	12/31/1995	12/31/1994
2	00987870	WEST HAVEN NURSING HOME	06/30/1997	06/30/1996	06/30/1995
2	00958930	WEXFORD HOUSE	06/30/1997	06/30/1996	06/30/1995
2	01213550	WIGHTMAN CENTER FOR NURSING AND REHAB	12/31/1997	12/31/1996	12/31/1995

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	01301134	WILKINS HOUSE, THE	12/31/1997	12/31/1996	12/31/1995
2	01592793	WOODHAVEN CARE CENTER	06/30/1996	06/30/1995	06/30/1994
2	00754959	ZOHLMAN NURSING HOME	06/30/1997	06/30/1996	06/30/1995
PG 2	Resident Care Median \$66.53	Other Resident Care Median \$29.06	Administrative Median \$13.32		
PG 2	Resident Care Price \$77.84	Other Resident Care Price \$32.55	Administrative Price \$13.85		
3	01432495	AMBLER REST CENTER	06/30/1997	06/30/1996	06/30/1995
3	00755301	ARTMAN LUTHERAN HOME	06/30/1997	06/30/1996	06/30/1995
3	00757333	AUTUMN GROVE CARE CENTER	06/30/1997	06/30/1996	06/30/1995
3	01013335	BELAIR HEALTH AND REHABILITATION CENTER	06/30/1997	06/30/1996	06/30/1995
3	01149772	BELLE HAVEN	12/31/1996	12/31/1995	12/31/1994
3	00747060	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/1997	12/31/1996	12/31/1995
3	00965461	BEVERLY HEALTHCARE - OAKMONT	12/31/1997	12/31/1996	12/31/1995
3	01686620	BEVERLY HEALTHCARE - SOUTH HILLS	12/31/1997	12/31/1996	12/31/1995
3	01439727	BRINTON MANOR	12/31/1996	12/31/1995	12/31/1994
3	01681463	BRITTANY POINTE ESTATES	12/31/1994	12/31/1993	12/31/1991
3	01030200	CANTERBURY PLACE	12/31/1997	12/31/1996	12/31/1995
3	00747462	CHANDLER HALL	12/31/1996		
3	00748174	CHICORA MEDICAL CENTER	06/30/1997	06/30/1996	06/30/1995
3	00745790	CHRIST'S HOME RETIREMENT CENTER	06/30/1997	06/30/1996	06/30/1995
3	01098575	COLLINS HEALTH CENTER	12/31/1997	12/31/1996	12/31/1995
3	00912092	CONNER-WILLIAMS NURSING HOME	06/30/1997	06/30/1996	06/30/1995
3	00891143	COVENTRY MANOR NURSING HOME	06/30/1997	06/30/1996	06/30/1995
3	00887928	DOCK TERRACE	06/30/1997	06/30/1996	06/30/1995
3	00860272	DRESHER HILL HEALTH AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
3	01493427	EDGEHILL NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1994
3	00756013	EDGEWOOD NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
3	01233606	ELDERCREST NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
3	01690604	ELIZA CATHCART HEALTH CENTER	12/31/1997	12/31/1996	12/31/1995
3	00795441	ELM TERRACE GARDENS	06/30/1997	06/30/1996	06/30/1995
3	00906489	EVERGREEN NURSING CENTER	12/31/1996	12/31/1995	12/31/1994
3	01465692	FAIR WINDS MANOR	06/30/1997	06/30/1996	06/30/1995
3	00745092	FREDERICK MENNONITE COMMUNITY	12/31/1996	12/31/1995	12/31/1994
3	01145601	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/1996	12/31/1995	12/31/1994
3	00858050	GOLFVIEW MANOR NURSING HOME	06/30/1997	06/30/1996	06/30/1995
3	01188556	HARMON HOUSE CONVALESCENT CENTER	12/31/1996	12/31/1995	12/31/1994
3	00746939	HAVENCREST NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
3	01455847	HAVERFORD NURSING & REHABILITATION CTR	06/30/1997	06/30/1996	06/30/1995
3	01696395	HENRY CLAY VILLA	06/30/1997	06/30/1995	06/30/1993
3	01003580	HERITAGE TOWERS	12/31/1996	12/31/1995	12/31/1994
3	01120863	HICKORY HOUSE NURSING HOME	12/31/1996	12/31/1995	12/31/1994
3	01289165	HIGHLAND CTR, GENESIS ELDERCARE NTWRK	06/30/1997	06/30/1996	06/30/1995
3	00747186	HOLY FAMILY HOME	12/31/1996	12/31/1995	12/31/1994
3	01644370	HOPKINS CENTER	12/31/1996	12/31/1995	12/31/1994
3	01118408	HORIZON SENIOR CARE	06/30/1997	06/30/1996	06/30/1995
3	01473667	JEFFERSON HILLS MANOR	06/30/1997	06/30/1996	06/30/1995
3	00941700	KADE NURSING HOME	12/31/1996	12/31/1995	12/31/1994
3	00754574	KEARSLEY LONG TERM CARE CENTER	06/30/1997	06/30/1996	06/30/1995
3	00747990	LAFAYETTE MANOR, INC	12/31/1996	12/31/1995	12/31/1994
3	01193171	LAUREL RIDGE CENTER	06/30/1997	06/30/1996	06/30/1995
3	01593727	LAWSON NURSING HOME, INC.	12/31/1997		
3	00750790	LITTLE SISTERS OF THE POOR	12/31/1997	12/31/1996	12/31/1995
3	01258140	LOYALHANNA CARE CENTER	12/31/1996	12/31/1995	12/31/1994
3	00750388	LUTHERAN COMM AT TELFORD HLTHCRE CTR INC	06/30/1997	06/30/1996	06/30/1995
3	01456989	MARINER HEALTH CARE OF NORTH HILLS	06/30/1997	06/30/1996	
3	00754897	MARWOOD REST HOME, INC	06/30/1997	06/30/1996	06/30/1995
3	00746385	MARY J DREXEL HOME	12/31/1996	12/31/1995	12/31/1994

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	00747874	MASONIC HOME OF PENNSYLVANIA	12/31/1996	12/31/1995	12/31/1994
3	01275876	MCMURRAY HILLS MANOR	06/30/1997	06/30/1996	12/31/1994
3	01118426	MEADOWCREST NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
3	01514803	NAAMANS CREEK COUNTRY MANOR	06/30/1997	06/30/1996	12/31/1994
3	01036170	OAK HILL NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
3	01674146	PENNSYLVANIA HOSPITAL SKILLED CARE CTR	06/30/1995	06/30/1994	06/30/1992
3	00654855	PETER BECKER COMMUNITY	06/30/1997	06/30/1996	06/30/1995
3	00749476	PHILADELPHIA PROTESTANT HOME	12/31/1996	12/31/1995	12/31/1994
3	00750771	PICKERING MANOR HOME	06/30/1997	06/30/1996	06/30/1995
3	01560539	PRESBY HM FOR AGED COUPLES & PERSONS	12/31/1996		
3	00795183	PRESBYTERIAN HOME AT 58TH STREET	12/31/1996	12/31/1995	12/31/1994
3	00757511	REDSTONE HIGHLANDS HEALTH CARE CENTER	06/30/1997	06/30/1996	06/30/1995
3	00798677	REFORMED PRESBYTERIAN HOME	12/31/1997	12/31/1996	12/31/1995
3	00749850	REGINA COMMUNITY NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
3	01129340	RICHBORO CARE CENTER	06/30/1997	06/30/1996	06/30/1995
3	00750931	ROCKHILL MENNONITE COMMUNITY	06/30/1997	06/30/1996	06/30/1995
3	01686568	ROSEMONT MANOR	12/31/1997	12/31/1996	12/31/1995
3	00749940	SAINT JOSEPH HOME FOR THE AGED	06/30/1997	06/30/1996	06/30/1995
3	01580415	SAINT JOSEPH VILLA	06/30/1997		
3	01737685	SAXONY HEALTH CENTER	12/31/1997	12/31/1996	12/31/1995
3	00882411	SHERWOOD OAKS	06/30/1997	06/30/1996	06/30/1995
3	01005039	SKY VUE TERRACE	06/30/1997	06/30/1996	06/30/1995
3	01017002	SOUDERTON MENNONITE HOMES	06/30/1997	06/30/1996	06/30/1995
3	01451688	SOUTH FAYETTE NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
3	01667043	SOUTHWESTERN NURSING CENTER	06/30/1996	06/30/1995	12/31/1993
3	00860290	STATESMAN HEALTH AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
3	01291510	STENTON HALL NURSING AND CONVAL CENTER	12/31/1997	12/31/1996	12/31/1995
3	00757324	UNITARIAN UNIVERSALIST HOUSE	12/31/1996		
3	00750207	VILLA DEMARILLAC NURSING HOME, INC	06/30/1997	06/30/1996	06/30/1995
3	01708736	WAYNE CENTER	06/30/1997	06/30/1996	06/30/1995
3	01454607	WILLIAM PENN CARE CENTER	12/31/1996	12/31/1995	
3	00991944	WILLIS NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
3	00756523	WYNCOLE CHURCH HOME	06/30/1997	06/30/1996	06/30/1995
PG 3	Resident Care Median	Other Resident Care Median		Administrative Median	
	\$65.84	\$29.59		\$13.60	
PG 3	Resident Care Price	Other Resident Care Price		Administrative Price	
	\$77.03	\$33.14		\$14.14	
4	01157700	ALLIED SERVICES SKILLED NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
4	00576310	BERKS HEIM	12/31/1996	12/31/1995	12/31/1994
4	00755473	BRETHREN HOME COMMUNITY, THE	06/30/1997	06/30/1996	06/30/1995
4	00751741	CAMBRIA COUNTY HOME-LAUREL CREST REHAB	12/31/1996	12/31/1995	12/31/1994
4	00745299	CEDAR HAVEN	12/31/1996	12/31/1995	12/31/1994
4	00575770	CEDARBROOK	12/31/1996	12/31/1995	12/31/1994
4	00749064	CLAREMONT NRC OF CUMBERLAND COUNTY	12/31/1996	12/31/1995	12/31/1994
4	00745922	CONESTOGA VIEW	12/31/1996	12/31/1995	12/31/1994
4	00744872	DAUPHIN MANOR	12/31/1996	12/31/1995	12/31/1994
4	00751151	GRACEDALE - NORTHAMPTON COUNTY HOME	12/31/1996	12/31/1995	12/31/1994
4	00754636	MASONIC HOMES	12/31/1996	12/31/1995	12/31/1994
4	00754814	MOUNTAIN VIEW MANOR	12/31/1996	12/31/1995	12/31/1994
4	01039117	PHOEBE HOME, INC	06/30/1997	06/30/1996	06/30/1995
4	00754583	PLEASANT RIDGE MANOR EAST/WEST	12/31/1996	12/31/1995	12/31/1994
4	00752275	VALLEY CREST NURSING HOME	12/31/1996	12/31/1995	12/31/1994
4	01686586	WEST SHORE HEALTH AND REHAB CENTER	12/31/1997	12/31/1996	12/31/1995
4	00750940	YORK COUNTY NURSING HOME	12/31/1996	12/31/1995	12/31/1994

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PG 4	Resident Care Median \$76.00	Other Resident Care Median \$33.25		Administrative Median \$10.81	
PG 4	Resident Care Price \$88.92	Other Resident Care Price \$37.24		Administrative Price \$11.24	
5	01007632	ABINGTON MANOR	12/31/1996	12/31/1995	12/31/1994
5	01682845	ADAMS MANOR	12/31/1997	12/31/1996	12/31/1995
5	01486137	BERKSHIRE CENTER	06/30/1997	06/30/1996	
5	01492223	BERWICK RETIREMENT VILLAGE NRSNG HOME II	06/30/1997	06/30/1996	
5	00886448	BEVERLY HEALTHCARE - WESTERN RESERVE	12/31/1997	12/31/1996	12/31/1995
5	00925715	BEVERLY MANOR	12/31/1997	12/31/1996	12/31/1995
5	01683477	BEVERLY MANOR OF LANCASTER	12/31/1997	12/31/1996	12/31/1995
5	00942091	BIRCHWOOD NURSING AND REHAB CENTER	12/31/1996	12/31/1995	12/31/1994
5	00910131	BLOOMSBURG HEALTH CARE CENTER	12/31/1997	12/31/1996	12/31/1995
5	00744059	BRETHREN VILLAGE	06/30/1997	06/30/1996	06/30/1995
5	01009870	CARPENTER CARE CENTER	12/31/1997	12/31/1996	12/31/1995
5	00746240	COLONIAL MANOR NURSING HOME	12/31/1996	12/31/1995	12/31/1994
5	00747426	CORNWALL MANOR	12/31/1996	12/31/1995	12/31/1994
5	01076228	CORRY MANOR	12/31/1997	12/31/1996	12/31/1995
5	01426291	DORRANCE MANOR	12/31/1992	12/31/1991	12/31/1990
5	01024606	EAST MOUNTAIN MANOR	12/31/1997	12/31/1996	12/31/1995
5	01145675	EASTON NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
5	01076237	EDINBORO MANOR	12/31/1997	12/31/1996	12/31/1995
5	01253725	EPHRATA MANOR	12/31/1996	12/31/1995	12/31/1994
5	00744999	EVANGELICAL CONG CHURCH RETRMNT VILLAGE	12/31/1997	12/31/1996	12/31/1995
5	01076246	FAIRVIEW MANOR	12/31/1997	12/31/1996	12/31/1995
5	01416043	FAIRVIEW RETIREMENT COMMUNITY, INC	06/30/1997	06/30/1996	06/30/1995
5	01134930	FELLOWSHIP MANOR	06/30/1997	06/30/1996	06/30/1995
5	00949145	FREY VILLAGE	12/31/1996	12/31/1995	12/31/1994
5	00969489	HAMILTON ARMS CENTER	06/30/1997	06/30/1996	06/30/1995
5	00886297	HANOVER HALL	12/31/1996	12/31/1995	12/31/1994
5	01525487	HARRISON HOUSE	12/31/1996	12/31/1994	12/31/1993
5	00756720	HEATHERBANK	12/31/1996	12/31/1995	12/31/1994
5	01718474	HIGHLAND MANOR NSG & CONVAL CENTER	06/30/1997	06/30/1996	06/30/1995
5	00755240	HOLIDAY MANOR	06/30/1997	06/30/1996	06/30/1995
5	00965229	HOLY FAMILY MANOR, INC	12/31/1996	12/31/1995	12/31/1994
5	01568180	HOMEWOOD AT PLUM CREEK	12/31/1996	12/31/1995	12/31/1994
5	01060157	INTEGRATED HLTH SRVCS - ERIE BAYSIDE	12/31/1996	12/31/1995	12/31/1994
5	00974700	INTEGRATED HLTH SRVCS - HERSHEY WDLNDS	12/31/1996	12/31/1995	12/31/1994
5	00747284	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/1996	12/31/1995	12/31/1994
5	00747275	JEWISH HOME OF GREATER HARRISBURG	06/30/1997	06/30/1996	06/30/1995
5	00985197	KUTZTOWN MANOR	06/30/1997	06/30/1996	06/30/1995
5	00757182	LACKAWANNA COUNTY HEALTH CARE CENTER	12/31/1996	12/31/1995	12/31/1994
5	00756926	LANCASHIRE HALL	12/31/1996	12/31/1995	12/31/1994
5	01644380	LAUREL CENTER	12/31/1996	12/31/1995	12/31/1994
5	00756612	LAUREL HILL, INC	06/30/1997	06/30/1996	06/30/1995
5	00747005	LEBANON VALLEY BRETHREN HOME	12/31/1996	12/31/1995	12/31/1994
5	01494498	LEHIGH CENTER	06/30/1997	06/30/1996	
5	00946090	LIBERTY NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
5	00751302	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/1996	12/31/1995	12/31/1994
5	00750898	LUTHERAN HOME AT TOPTON	12/31/1996	12/31/1995	12/31/1994
5	00755277	MAHONING VALLEY NSG & REHAB CENTER	12/31/1996	12/31/1995	12/31/1994
5	01134985	MANORCARE HEALTH SVCS-ALLENTOWN	12/31/1996	12/31/1995	12/31/1994
5	00860657	MANORCARE HEALTH SVCS-BETHLEHEM I	12/31/1996	12/31/1995	12/31/1994
5	00855174	MANORCARE HEALTH SVCS-BETHLEHEM II	12/31/1996	12/31/1995	12/31/1994
5	01106891	MANORCARE HEALTH SVCS-CARLISLE	12/31/1996	12/31/1995	12/31/1994
5	00854490	MANORCARE HEALTH SVCS-DALLASTOWN	12/31/1996	12/31/1995	12/31/1994
5	00879022	MANORCARE HEALTH SVCS-EASTON	12/31/1996	12/31/1995	12/31/1994

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	00854480	MANORCARE HEALTH SVCS-HARRISBURG	12/31/1996	12/31/1995	12/31/1994
5	00854604	MANORCARE HEALTH SVCS-KINGSTON	12/31/1996	12/31/1995	12/31/1994
5	00960518	MANORCARE HEALTH SVCS-KINGSTON COURT	06/30/1997	06/30/1996	06/30/1995
5	00854515	MANORCARE HEALTH SVCS-LANCASTER	12/31/1996	12/31/1995	12/31/1994
5	00855094	MANORCARE HEALTH SVCS-LAURELDALE	12/31/1996	12/31/1995	12/31/1994
5	00854542	MANORCARE HEALTH SVCS-LEBANON	12/31/1996	12/31/1995	12/31/1994
5	00882402	MANORCARE HEALTH SVCS-SINKING SPRING	12/31/1996	12/31/1995	12/31/1994
5	00855067	MANORCARE HEALTH SVCS-WST READING NRTH	12/31/1996	12/31/1995	12/31/1994
5	00952060	MANORCARE HEALTH SVCS-YORK NORTH	06/30/1997	06/30/1996	06/30/1995
5	00952051	MANORCARE HEALTH SVCS-YORK SOUTH	06/30/1997	06/30/1996	06/30/1995
5	01665737	MAPLE FARM NURSING CENTER	12/31/1996	12/31/1995	12/31/1994
5	00916242	MEADOWS NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
5	00751554	MENNONITE HOME, THE	06/30/1997	06/30/1996	06/30/1995
5	00747981	MESSIAH VILLAGE	06/30/1997	06/30/1996	06/30/1995
5	00993199	MIFFLIN CENTER	12/31/1996	12/31/1995	12/31/1994
5	00755535	MORAVIAN MANOR	12/31/1997	12/31/1996	12/31/1995
5	01071974	MOUNTAIN CITY CONVAL & REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
5	01390555	MOUNTAIN VIEW CARE CENTER	06/30/1997	06/30/1996	06/30/1995
5	01247871	MUHLENBERG REHABILITATION CARE CENTER	06/30/1997	06/30/1996	06/30/1995
5	00892964	ORANGEVILLE NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
5	00949207	PERRY VILLAGE	12/31/1996	12/31/1995	12/31/1994
5	01304216	PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/1997	06/30/1996	06/30/1995
5	00751311	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/1997	12/31/1996	12/31/1995
5	00749681	QUARRYVILLE PRESBYTERIAN HOME	06/30/1997	06/30/1996	06/30/1995
5	00750566	REST HAVEN-YORK	06/30/1997	06/30/1996	06/30/1995
5	00993484	RIVERSTREET MANOR	12/31/1996	12/31/1995	12/31/1994
5	00749396	SAINT ANNE'S HOME	06/30/1997	06/30/1996	06/30/1995
5	00924683	SAINT LUKE PAVILION	12/31/1996	12/31/1995	12/31/1994
5	00750904	SAINT MARY'S HOME OF ERIE	12/31/1996	12/31/1995	12/31/1994
5	01550908	SHIPPENSBURG HEALTH CARE CENTER	12/31/1996		
5	00776123	SLATE BELT NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
5	00854613	SPRUCE MANOR NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
5	01005164	SUMMIT HEALTH CARE CENTER, INC	12/31/1997	12/31/1996	12/31/1995
5	01240790	SUSQUEHANNA CENTER	06/30/1997	06/30/1996	06/30/1995
5	00949136	SUSQUEHANNA LUTHERAN VILLAGE	12/31/1996	12/31/1995	12/31/1994
5	00887712	TAYLOR NURSING AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
5	01005440	TWINBROOK MEDICAL CENTER	06/30/1997	06/30/1996	06/30/1995
5	00755965	VILLA TERESA	12/31/1997	12/31/1996	12/31/1995
5	00745477	WEATHERWOOD-CARBON CTY NH & REHAB CTR	12/31/1996	12/31/1995	12/31/1994
5	00750664	WESLEY VILLAGE	12/31/1996	12/31/1995	12/31/1994
PG 5	Resident Care Median \$59.50	Other Resident Care Median \$26.70	Administrative Median \$12.04		
PG 5	Resident Care Price \$69.62	Other Resident Care Price \$29.90	Administrative Price \$12.52		
6	01013308	ABINGTON CREST NSG & REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
6	00914266	AUDUBON VILLA	06/30/1997	06/30/1996	06/30/1995
6	01692716	BALANCED CARE BLOOMSBURG	06/30/1997	06/30/1996	06/30/1995
6	01630642	BALANCED CARE, KINGSTON	12/31/1996	12/31/1994	12/31/1991
6	01630633	BALANCED CARE, MID VALLEY	12/31/1996	12/31/1995	12/31/1994
6	00747927	BALL PAVILION, THE	06/30/1997	06/30/1996	06/30/1995
6	00881610	BEAR CREEK HEALTH CARE CENTER INC	06/30/1997	06/30/1996	06/30/1995
6	00746590	BETHANY VILLAGE RETIREMENT CENTER	12/31/1996	12/31/1995	12/31/1994
6	01682881	BEVERLY HEALTHCARE - ERIE	12/31/1997	12/31/1996	12/31/1995
6	01682872	BLUE RIDGE HAVEN CONVAL CENTER - EAST	12/31/1997	12/31/1996	12/31/1995

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	00751581	BONHAM NURSING CENTER	12/31/1996	12/31/1995	12/31/1994
6	00985571	BUTLER VALLEY MANOR	06/30/1997	06/30/1996	06/30/1995
6	00745243	CALVARY FELLOWSHIP HOMES, INC	06/30/1997	06/30/1996	06/30/1995
6	01391490	CAMP HILL CARE CENTER	12/31/1997	12/31/1996	12/31/1995
6	01721747	CARBONDALE NURSING HOME	12/31/1996	12/31/1995	12/31/1994
6	00745163	CHAPEL POINTE AT CARLISLE	12/31/1997	12/31/1996	12/31/1995
6	00747604	CHURCH OF GOD HOME, INC	12/31/1997	12/31/1996	12/31/1995
6	01281640	CUMBERLAND CROSSINGS	06/30/1997	06/30/1996	06/30/1995
6	00744890	DAVIS MANOR	06/30/1997	06/30/1996	06/30/1995
6	00891125	DENVER NURSING HOME	06/30/1997	06/30/1996	06/30/1995
6	00756686	FAIRMOUNT HOMES	06/30/1997	06/30/1996	06/30/1995
6	01690613	FOREST PARK HEALTH CENTER	12/31/1997	12/31/1996	12/31/1995
6	01420135	FOREST VIEW	06/30/1997	06/30/1996	06/30/1995
6	00985188	GREEN RIDGE NURSING HOME	06/30/1997	06/30/1996	06/30/1995
6	01004855	HAMPTON HOUSE	06/30/1997	06/30/1996	06/30/1995
6	01474243	HEALTHSOUTH REHAB-MECHANICSBURG RENOVA	12/31/1996	12/31/1995	12/31/1994
6	00747551	HERITAGE HOUSE	06/30/1997	06/30/1996	06/30/1995
6	00750996	HOLY FAMILY RESIDENCE	12/31/1996	12/31/1995	12/31/1994
6	00757594	HOMELAND CENTER	06/30/1997	06/30/1996	06/30/1995
6	01063650	HOMESTEAD VILLAGE, INC	06/30/1997	06/30/1996	06/30/1995
6	00757370	KEPLER HOME, INC, THE	12/31/1996	12/31/1995	12/31/1994
6	00757530	KINKORA PYTHIAN HOME	06/30/1997	06/30/1996	06/30/1995
6	00989463	LAKESIDE NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
6	00838351	LANDIS HOMES	06/30/1997	06/30/1996	06/30/1995
6	00749126	LEBANON VALLEY HOME, THE	12/31/1996	12/31/1995	12/31/1994
6	00752210	LUTHER ACRES MANOR	12/31/1997	12/31/1996	12/31/1995
6	00915693	LUTHER CREST NURSING FACILITY	12/31/1996	12/31/1995	12/31/1994
6	00751966	LUTHERAN HOME FOR THE AGED	12/31/1997	12/31/1996	12/31/1995
6	00747669	MANORCARE HEALTH SVCS-CAMP HILL	12/31/1996	12/31/1995	12/31/1994
6	00752177	MANORCARE HEALTH SVCS-ELIZABETHTOWN	12/31/1996	12/31/1995	12/31/1994
6	00757450	MARY ELLEN CONVALESCENT HOME, INC	06/30/1997	06/30/1996	06/30/1995
6	01238854	MERCY CENTER NURSING UNIT, INC	12/31/1996	12/31/1995	12/31/1994
6	00983049	MERCY HEALTH CARE CENTER	12/31/1996	12/31/1995	12/31/1994
6	00755179	MIDDLETOWN HOME, THE	12/31/1997	12/31/1996	12/31/1995
6	00754485	MILFORD VALLEY CONVALESCENT HOME, INC	12/31/1996	12/31/1995	12/31/1994
6	01207929	MILLCREEK MANOR	06/30/1997	06/30/1996	06/30/1995
6	00989089	MILLVILLE HEALTH CENTER	06/30/1997	06/30/1996	06/30/1995
6	00747972	MISERICORDIA CONVALESCENT HOME	12/31/1997	12/31/1996	12/31/1995
6	01091752	MOSSER NURSING HOME	06/30/1997		
6	00754888	MOUNT HOME DUNKARD BRETHREN CHURCH HM	06/30/1997	06/30/1996	06/30/1995
6	01493436	MOUNTAIN REST NURSING HOME	06/30/1997	06/30/1996	06/30/1994
6	00947258	NIPPLE CONVALESCENT HOME	12/31/1996	12/31/1995	12/31/1994
6	01418781	NORMANDIE RIDGE	12/31/1996	12/31/1995	12/31/1994
6	01581978	OSPREY RIDGE HEALTHCARE & REHAB CTR	06/30/1997		
6	00891134	PALMYRA NURSING HOME	06/30/1997	06/30/1996	06/30/1995
6	01519891	PERSONACARE OF WYOMISSING	12/31/1996		
6	01582465	PINNACLE HEALTH ECF	06/30/1997	06/30/1995	06/30/1994
6	01143518	PRAXIS NURSING HOME	06/30/1997	06/30/1996	06/30/1995
6	00756819	PRESBYTERIAN LODGE	12/31/1996	12/31/1995	12/31/1994
6	01232977	RHEEMS NURSING CENTER, INC	12/31/1996	12/31/1995	12/31/1994
6	00750753	SAINT LUKE MANOR	12/31/1996	12/31/1995	12/31/1994
6	00754940	SAINT MARY'S VILLA NURSING HOME, INC	12/31/1996	12/31/1995	12/31/1994
6	01106793	SARAH A REED RETIREMENT CENTER, THE	06/30/1997	06/30/1996	06/30/1995
6	01674763	SARAH A TODD MEMORIAL HOME	12/31/1996	12/31/1995	12/31/1994
6	00749592	SHREWSBURY LUTHERAN RETIREMENT VILLAGE	12/31/1996	12/31/1995	12/31/1994
6	00757146	SMITH HEALTH CARE, LTD	06/30/1997	06/30/1996	06/30/1995
6	00750261	SPANG CREST MANOR	12/31/1997	12/31/1996	12/31/1995
6	01522529	STONEBRIDGE HEALTH AND REHAB CENTER	12/31/1997	12/31/1996	12/31/1994
6	01453127	STONERIDGE VILLAGE	12/31/1997	12/31/1996	12/31/1995



<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	01690650	SWAIM HEALTH CENTER	12/31/1997	12/31/1996	12/31/1995
6	01119719	THAELER HEALTH CARE CENTER	06/30/1997	06/30/1996	06/30/1995
6	00767142	THORNWALD HOME	12/31/1996	12/31/1995	12/31/1994
6	00891116	TWIN OAKS NURSING HOME	06/30/1997	06/30/1996	06/30/1995
6	00749206	UNITED CHRISTIAN CHURCH HOME	12/31/1997	12/31/1996	
6	00748853	UNITED ZION RETIREMENT COMMUNITY	12/31/1996	12/31/1995	12/31/1994
6	01691076	WESTMINSTER VILLAGE	12/31/1997	12/31/1996	12/31/1995
6	00754556	YORK LUTHERAN HOME	12/31/1996	12/31/1995	12/31/1994
6	00756407	ZERBE SISTERS NURSING CENTER, INC.	06/30/1997	06/30/1996	06/30/1995
PG 6	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$59.64	\$28.25	\$12.26		
PG 6	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$69.78	\$31.64	\$12.75		
8	00754977	ARBUTUS PARK MANOR	06/30/1997	06/30/1996	06/30/1995
8	01391534	BEVERLY HEALTHCARE - HILLVIEW	12/31/1997	12/31/1996	12/31/1995
8	00583842	CENTRE CREST HOME	12/31/1996	12/31/1995	12/31/1994
8	00752041	CHURCH OF THE BRETHREN HOME	06/30/1997	06/30/1996	06/30/1995
8	00748343	GARVEY MANOR	12/31/1997	12/31/1996	12/31/1995
8	00908563	GILMORE'S WHITE CLIFF NURSING HOME	12/31/1996	12/31/1995	12/31/1994
8	01568205	HOMEWOOD AT MARTINSBURG PA INC	12/31/1996	12/31/1995	12/31/1994
8	01562201	LAUREL WOOD CONVALESCENT CENTER	12/31/1996	12/31/1995	12/31/1994
8	00854524	MANORCARE HEALTH SVCS-JERSEY SHORE	12/31/1996	12/31/1995	12/31/1994
8	00858579	MANORCARE HEALTH SVCS-WILLIAMSPRT NRTH	12/31/1996	12/31/1995	12/31/1994
8	01539947	MEADOW VIEW NURSING CENTER	06/30/1997	06/30/1994	06/30/1993
8	00750969	ORCHARD MANOR, INC	06/30/1997	06/30/1996	06/30/1995
8	00750305	PRESBY HOME OF THE MOSHANNON VALLEY	12/31/1996	12/31/1995	12/31/1994
8	01140365	ROSE VIEW CENTER	06/30/1997	06/30/1996	06/30/1995
8	00748666	SAINT PAUL HOMES	12/31/1996	12/31/1995	12/31/1994
8	00748620	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/1997	06/30/1996	06/30/1995
8	01690669	SYCAMORE MANOR HEALTH CENTER	12/31/1997	12/31/1996	12/31/1995
8	01263768	UNIVERSITY PARK NURSING CENTER	12/31/1997	12/31/1996	12/31/1995
8	00754663	VALLEY VIEW HOME	12/31/1996	12/31/1995	12/31/1994
8	01402852	VALLEY VIEW NURSING CENTER	12/31/1996	12/31/1995	12/31/1994
8	00749298	WILLIAMSPORT HOME, THE	12/31/1996	12/31/1995	12/31/1994
8	01678252	WOODLAND PLACE	12/31/1996	12/31/1995	12/31/1994
PG 8	Resident Care Median	Other Resident Care Median	Administrative Median		
	\$58.35	\$29.20	\$10.83		
PG 8	Resident Care Price	Other Resident Care Price	Administrative Price		
	\$68.27	\$32.70	\$11.26		
9	00970612	BEVERLY HEALTHCARE - MEYERSDALE	12/31/1997	12/31/1996	12/31/1995
9	00970597	BEVERLY HEALTHCARE - RICHLAND	12/31/1997	12/31/1996	12/31/1995
9	01513243	BUCHANAN COMMONS	06/30/1997	06/30/1996	06/30/1994
9	00745870	CLEPPER CONVALESCENT HOME INC	12/31/1997	12/31/1996	12/31/1995
9	01299009	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/1997	06/30/1996	06/30/1995
9	00749000	EPWORTH MANOR	12/31/1996	12/31/1995	12/31/1994
9	00989507	GOOD SAMARITAN NSG CARE CTR-JOHNSTOWN	06/30/1997	12/31/1995	12/31/1995
9	00756766	GROVE MANOR	06/30/1997	06/30/1996	06/30/1995
9	00970640	HAIDA MANOR	12/31/1997	12/31/1996	12/31/1995
9	00897272	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/1996	12/31/1995	12/31/1994
9	00747328	JOHN XXIII HOME	12/31/1997	12/31/1996	12/31/1995
9	01398900	LAUREL VIEW VILLAGE	06/30/1997	06/30/1996	06/30/1995
9	00755070	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/1996	12/31/1995	12/31/1994
9	00754761	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/1996	12/31/1995	12/31/1994
9	00854533	MANORCARE HEALTH SVCS-WILLIAMSPRT STH	12/31/1996	12/31/1995	12/31/1994
9	01148200	MORAN'S HOME, INC	12/31/1997	12/31/1996	12/31/1995
9	00747220	MORRISONS COVE HOME	12/31/1996	12/31/1995	12/31/1994

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
9	01132980	NUGENT CONVALESCENT HOME	12/31/1997	12/31/1996	12/31/1995
9	00757164	PRESBY HOME OF REDSTONE PRESBYTERY	12/31/1997	12/31/1996	12/31/1995
9	00755428	PRESBY HOMES-PRESBYTERY- HUNTINGDON	12/31/1996	12/31/1995	12/31/1994
9	01586778	SOMERSET PATRIOT MANOR	12/31/1997	12/31/1995	06/30/1993
PG 9	Resident Care Median \$52.24	Other Resident Care Median \$26.19	Administrative Median \$10.92		
PG 9	Resident Care Price \$61.12	Other Resident Care Price \$29.33	Administrative Price \$11.36		
11	00755357	ARMSTRONG COUNTY HEALTH CENTER	12/31/1996	12/31/1995	12/31/1994
11	01586769	BEACON MANOR	12/31/1997	12/31/1995	06/30/1993
11	01391543	BEVERLY HEALTHCARE - MEADVILLE	12/31/1997	12/31/1996	12/31/1995
11	00928038	BEVERLY HEALTHCARE - SHIPPENVILLE	12/31/1997	12/31/1996	12/31/1995
11	01680724	BEVERLY HEALTHCARE - WILLIAM PENN	12/31/1997	12/31/1996	12/31/1995
11	00751287	BRADFORD COUNTY MANOR	12/31/1996	12/31/1995	12/31/1994
11	01076219	BRADFORD MANOR	12/31/1997	12/31/1996	12/31/1995
11	00747640	BROAD ACRES NURSING HOME ASSOCIATION	12/31/1997	12/31/1996	12/31/1995
11	00854622	BROAD MOUNTAIN NSG & REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
11	00745762	CHRIST THE KING MANOR	06/30/1997	06/30/1996	06/30/1995
11	00754903	CLARVIEW NURSING AND REHAB CENTER	12/31/1997	12/31/1996	12/31/1995
11	00747622	CRAWFORD COUNTY CARE CENTER	12/31/1996	12/31/1995	12/31/1994
11	00951706	CURWENSVILLE NURSING HOME, INC	12/31/1997	12/31/1996	12/31/1995
11	00746349	DUBOIS NURSING HOME	06/30/1997	06/30/1996	06/30/1995
11	00747480	ELK HAVEN NURSING HOME	06/30/1997	06/30/1996	06/30/1995
11	00755446	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/1997	06/30/1996	06/30/1995
11	00745074	FALLING SPRING NURSING AND REHAB CENTER	12/31/1996	12/31/1995	12/31/1994
11	00884004	FOREST CITY NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
11	00745261	GOLDEN HILL NURSING HOME, INC	06/30/1997	06/30/1996	06/30/1995
11	00755375	GRANDVIEW HEALTH HOMES, INC	06/30/1997	06/30/1996	06/30/1995
11	00756891	GREEN ACRES-ADAMS CTY NSG & REHAB CTR	12/31/1996	12/31/1995	12/31/1994
11	00756579	GREEN HOME, INC, THE	06/30/1997	06/30/1996	06/30/1995
11	00746975	HERITAGE NURSING HOME, INC	06/30/1997		
11	01714377	HIGHLANDS CARE CENTER, THE	12/31/1996	12/31/1995	12/31/1994
11	00747337	HILLVIEW MANOR - LAWRENCE COUNTY HOME	12/31/1996	12/31/1995	12/31/1994
11	01274805	HOMETOWN NURSING AND REHAB CENTER	12/31/1997	12/31/1996	12/31/1995
11	00860791	INDIAN CREEK NURSING CENTER	06/30/1997	06/30/1996	06/30/1995
11	00751886	INDIAN HAVEN NURSING CENTER	12/31/1996	12/31/1995	12/31/1994
11	01468907	INTEGRATED HLTH SRVCS - JULIA RIBAUDO	12/31/1996	12/31/1995	12/31/1993
11	01033463	JEFFERSON MANOR HEALTH CENTER	06/30/1997	06/30/1996	06/30/1995
11	01690622	JULIA POUND CARE CENTER	12/31/1997	12/31/1996	12/31/1995
11	01590654	KITTANNING CARE CENTER	12/31/1997	06/30/1995	06/30/1994
11	00893729	KRAMM HEALTHCARE CENTER, INC	06/30/1997	06/30/1996	06/30/1995
11	00747266	KRAMM NURSING HOME, INC	06/30/1997	06/30/1996	06/30/1995
11	00854570	MANORCARE HEALTH SVCS-CHAMBERSBURG	12/31/1996	12/31/1995	12/31/1994
11	00855165	MANORCARE HEALTH SVCS-POTTSVILLE	12/31/1996	12/31/1995	12/31/1994
11	00854506	MANORCARE HEALTH SVCS-SUNBURY	12/31/1996	12/31/1995	12/31/1994
11	00748512	MENNO-HAVEN, INC.	12/31/1997	12/31/1996	12/31/1995
11	00913302	MOUNT CARMEL NURSING AND REHAB CENTER	12/31/1997	12/31/1996	12/31/1995
11	00963799	MOUNTAIN LAUREL NRC	06/30/1997	06/30/1996	06/30/1995
11	00790570	NOTTINGHAM VILLAGE	12/31/1996	12/31/1995	12/31/1994
11	00949163	OHESON MANOR	12/31/1996	12/31/1995	12/31/1994
11	00776642	OIL CITY PRESBYTERIAN HOME	12/31/1996	12/31/1995	12/31/1994
11	01301303	ORWIGSBURG CENTER	06/30/1997	06/30/1996	06/30/1995
11	00997509	PENN LUTHERAN VILLAGE	12/31/1996	12/31/1995	12/31/1994
11	00949216	PENNKNOELL VILLAGE NURSING HOME	12/31/1996	12/31/1995	12/31/1994
11	00754547	PINEY MOUNTAIN HOME	06/30/1997	06/30/1996	06/30/1995
11	00861959	PLEASANT VALLEY MANOR, INC	12/31/1996	12/31/1995	12/31/1994
11	00749627	QUINCY UNITED METHODIST HOME	12/31/1996	12/31/1995	12/31/1994

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	00749073	REST HAVEN	12/31/1996	12/31/1995	12/31/1994
11	00754707	RIVER WOODS	12/31/1996	12/31/1995	12/31/1994
11	00749117	ROLLING FIELDS, INC	12/31/1996	12/31/1995	12/31/1994
11	01505063	ROLLING MEADOWS	06/30/1997	06/30/1996	12/31/1994
11	00756793	ROUSE WARREN COUNTY HOME	12/31/1996	12/31/1995	12/31/1994
11	01205791	SCHUYLKILL CENTER	06/30/1997	06/30/1996	06/30/1995
11	00754850	SENA-KEAN MANOR	12/31/1996	12/31/1995	12/31/1994
11	00886081	SHENANDOAH MANOR NURSING CENTER	12/31/1997	12/31/1996	12/31/1995
11	01626292	SHEPHERD'S CHOICE OF GETTYSBURG, THE	12/31/1997	06/30/1996	06/30/1995
11	01688769	STROUD MANOR	12/31/1997	12/31/1996	12/31/1995
11	01677157	SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/1996	12/31/1995	12/31/1994
11	00949557	SUSQUE VIEW HOME, INC	12/31/1996	12/31/1995	12/31/1994
11	01076255	SWEDEN VALLEY MANOR	12/31/1997	12/31/1996	12/31/1995
11	00860245	TREMONT HEALTH AND REHAB CENTER	06/30/1997	06/30/1996	06/30/1995
11	00756560	VALLEY VIEW HAVEN, INC	12/31/1996	12/31/1995	12/31/1994
11	01076264	WARREN MANOR	12/31/1997	12/31/1996	12/31/1995
11	01483313	WAYNE WOODLANDS MANOR	06/30/1997	06/30/1996	
11	00982408	WESBURY UNITED METHODIST COMMUNITY	12/31/1997	12/31/1996	12/31/1995
11	01263089	WOODLAND RETIREMENT CENTER	12/31/1996	12/31/1995	12/31/1994
PG 11	Resident Care Median \$54.81	Other Resident Care Median \$25.13	Administrative Median \$ 9.95		
PG 11	Resident Care Price \$64.13	Other Resident Care Price \$28.15	Administrative Price \$10.35		
12	01391552	BEVERLY HEALTHCARE - CAMBRIDGE SPRINGS	12/31/1997	12/31/1996	12/31/1995
12	01391516	BEVERLY HEALTHCARE - CLARION	12/31/1997	12/31/1996	12/31/1995
12	01411341	BEVERLY HEALTHCARE - GETTYSBURG	12/31/1997	12/31/1996	12/31/1995
12	00981429	BEVERLY HEALTHCARE - KINZUA VALLEY	12/31/1997	12/31/1996	12/31/1995
12	01126689	BEVERLY HEALTHCARE - MOUNTAIN VIEW	12/31/1997	12/31/1996	12/31/1995
12	00941989	BEVERLY HEALTHCARE - OIL CITY	12/31/1997	12/31/1996	12/31/1995
12	01391561	BEVERLY HEALTHCARE - TITUSVILLE	12/31/1997	12/31/1996	12/31/1995
12	01391507	BEVERLY HEALTHCARE - WARREN	12/31/1997	12/31/1996	12/31/1995
12	01391525	BEVERLY HEALTHCARE - WAYNESBURG	12/31/1997	12/31/1996	12/31/1995
12	01169200	BRADFORD ECUMENICAL HOME, INC	12/31/1997	12/31/1996	12/31/1995
12	01090002	BRADFORD NURSING PAVILION	06/30/1997	06/30/1996	06/30/1995
12	01701388	BROOKLINE MANOR	12/31/1996	06/30/1995	06/30/1994
12	00835411	BROOKMONT HEALTH CARE CENTER INC	06/30/1997	06/30/1996	06/30/1995
12	00948809	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/1996	12/31/1995	12/31/1994
12	01429631	CALEDONIA MANOR	12/31/1997	12/31/1996	12/31/1995
12	01547724	CARING PLACE, THE	06/30/1997		
12	01631407	CARLETON SENIOR CARE AND REHAB CENTER	06/30/1996	06/30/1995	12/31/1992
12	00755992	DAR WAY NURSING HOME, INC	06/30/1997	06/30/1996	06/30/1995
12	00746447	DONAHOE MANOR	06/30/1997	06/30/1996	06/30/1995
12	01553131	FRIENDLY NURSING HOME - PITMAN	06/30/1997	06/30/1995	06/30/1994
12	00754476	GETTYSBURG LUTHERAN HOME	12/31/1996	12/31/1995	12/31/1994
12	00746957	GOLD STAR NURSING HOME	06/30/1997	06/30/1996	06/30/1995
12	00752103	GUY AND MARY FELT MANOR, INC	06/30/1997	06/30/1996	06/30/1995
12	00751035	HAVEN CONVALESCENT HOME, INC	12/31/1997	12/31/1996	12/31/1995
12	01646731	HEIGHTS NURSING HOME AT LOCUST MOUNTAIN	06/30/1996	06/30/1995	06/30/1994
12	00897165	HIGHLAND HALL CARE CENTER	06/30/1997	06/30/1996	06/30/1995
12	01285433	HIGHLAND VIEW	06/30/1997	06/30/1996	06/30/1995
12	01526457	HUNTINGDON MANOR	06/30/1997	06/30/1996	06/30/1994
12	01013291	KRAMM HEALTHCARE - BROADWAY	06/30/1997	06/30/1996	06/30/1995
12	01577400	LAKEVIEW SENIOR CARE AND LIVING CENTER	12/31/1997		
12	00754799	LAUREL MANOR	06/30/1997	06/30/1996	06/30/1995
12	00949225	LOCUST GROVE RETIREMENT VILLAGE	12/31/1996	12/31/1995	12/31/1994
12	00746993	LUTHERAN HOME AT KANE, THE	12/31/1997	12/31/1996	12/31/1995
12	00747364	MALTA HOME	12/31/1996	12/31/1995	12/31/1994

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	00901670	MANSION NURSING AND CONVALESCENT HOME	12/31/1997	12/31/1996	12/31/1995
12	01121548	MARIA JOSEPH MANOR	12/31/1996	12/31/1995	12/31/1994
12	01633180	MEADOW VIEW SENIOR LIVING CENTER	12/31/1996	12/31/1995	12/31/1994
12	00754734	MEDA NIPPLE CONVALESCENT HOME	12/31/1997	12/31/1996	12/31/1995
12	01500951	MENNO-HAVEN PENN HALL, INC	12/31/1997	12/31/1996	12/31/1995
12	01630230	MULBERRY SQUARE	12/31/1997	12/31/1996	12/31/1995
12	00906504	OVERLOOK MEDICAL CLINIC INC	12/31/1996	12/31/1995	12/31/1994
12	00755230	PENNSYLVANIA MEMORIAL HOME	06/30/1997	06/30/1996	06/30/1995
12	00749725	RATHFON CONVALESCENT HOME	06/30/1997	06/30/1996	06/30/1995
12	01493445	ROLLING HILLS MANOR	06/30/1997	06/30/1996	06/30/1994
12	00757226	SAYRE HOUSE, INC	06/30/1997	06/30/1996	06/30/1995
12	00756031	SCENERY HILL MANOR	12/31/1996	12/31/1995	12/31/1994
12	01473273	SHENANGO PRESBYTERIAN HOME	12/31/1997	12/31/1996	12/31/1995
12	00755221	SHOOK HOME, THE	12/31/1997	12/31/1996	12/31/1995
12	00906498	SILVER OAKS NURSING CENTER	12/31/1996	12/31/1995	12/31/1994
12	01092974	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/1997	12/31/1996	12/31/1995
12	00966807	SUGAR CREEK REST	06/30/1997	06/30/1996	06/30/1995
12	00895920	YORK TERRACE NURSING CENTER	12/31/1997	12/31/1996	12/31/1995
12	01553140	ZENDT HOME, THE	06/30/1997	06/30/1995	06/30/1994
PG 12	Resident Care Median \$55.47	Other Resident Care Median \$25.59	Administrative Median \$10.77		
PG 12	Resident Care Price \$64.90	Other Resident Care Price \$28.66	Administrative Price \$11.20		
13	00756701	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/1997	06/30/1996	06/30/1995
13	00756040	INGLIS HOUSE WHEELCHAIR COMMUNITY	06/30/1997	06/30/1996	06/30/1995
13	00879013	MARGARET E. MOUL HOME	06/30/1997	06/30/1996	06/30/1995
PG 13	Resident Care Median \$115.46	Other Resident Care Median \$64.90	Administrative Median \$21.87		
PG 13	Resident Care Price \$135.09	Other Resident Care Price \$72.69	Administrative Price \$22.74		
14	01693375	ALLEGHENY UNIV MED CTR-CANONSBURG SNU	06/30/1996	06/30/1995	06/30/1994
14	01275956	ASHLAND REGIONAL LONG TERM CARE CENTER	06/30/1996	06/30/1995	06/30/1994
14	00747140	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/1997	06/30/1996	06/30/1995
14	00745824	BERWICK RETIREMENT VILLAGE NRSNG HOME	06/30/1997	06/30/1996	06/30/1995
14	00744630	BUCKTAIL MEDICAL CENTER	06/30/1997	06/30/1996	06/30/1995
14	00754832	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/1997	06/30/1996	06/30/1995
14	01092240	CHESTNUT HILL REHABILITATION HOSP SNU	06/30/1996	06/30/1995	06/30/1994
14	00756550	FULTON COUNTY MEDICAL CENTER LTCU	06/30/1997	06/30/1996	06/30/1995
14	00751643	GEORGE L HARRISON HOUSE OF EPISCOPAL HSP	06/30/1997	06/30/1996	06/30/1995
14	00746723	GNADEN HUETTEN NSG & CONVAL CENTER	06/30/1997	06/30/1996	06/30/1995
14	00747631	GRAND VIEW HOSPITAL SKILLED NURSING FAC	06/30/1997	06/30/1996	06/30/1995
14	00756882	HOME FOR THE JEWISH AGED - SLEY BLDG	06/30/1997	06/30/1996	06/30/1995
14	00747041	LOCK HAVEN HOSPITAL E.C.U.	06/30/1997	06/30/1996	06/30/1995
14	01631480	MEDICAL CENTER, BEAVER, PA, THE	06/30/1996	06/30/1995	06/30/1994
14	00754654	MEMORIAL HOSPITAL INC SNU	06/30/1997	06/30/1996	06/30/1995
14	01275268	MINERS MEMORIAL GERIATRIC CENTER	06/30/1997	06/30/1996	06/30/1995
14	00751438	MOSES TAYLOR HOSPITAL S.N.F.	06/30/1997	06/30/1996	06/30/1995
14	00748100	MUNCY VALLEY HOSPITAL SNU	06/30/1997	06/30/1996	06/30/1995
14	00747239	PINECREST MANOR	06/30/1997	06/30/1996	06/30/1995
14	01582456	PINNACLE HEALTH ECF HB	06/30/1997	06/30/1995	06/30/1994
14	01588683	PINNACLE HEALTH SNU - SEIDLE	06/30/1997	06/30/1995	06/30/1994
14	01073692	SAINT FRANCIS HOSPITAL OF NEW CASTLE SNC	06/30/1997	06/30/1996	06/30/1995
14	00749369	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/1997	06/30/1996	06/30/1995

<i>Median Peer Group</i>	<i>Current Provider Number</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
14	01179074	SUBURBAN GENERAL SKILLED NURSING UNIT	06/30/1996	06/30/1995	06/30/1994
14	00749387	SUNBURY COMMUNITY HOSPITAL SNF	06/30/1997	06/30/1996	06/30/1995
14	00836230	WILLOWCREST	06/30/1996	06/30/1995	06/30/1994
PG 14	Resident Care Median \$85.24	Other Resident Care Median \$53.29	Administrative Median \$17.32		
PG 14	Resident Care Price \$99.73	Other Resident Care Price \$59.68	Administrative Price \$18.01		

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## DEPARTMENT OF REVENUE

### Pennsylvania Monopoly '99 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Monopoly '99.

2. *Price:* The price of a Pennsylvania Monopoly '99 instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Monopoly '99 instant lottery game ticket will feature one "Your Hotel Numbers" area and one "House Numbers" area. The play symbols and their captions located in the "Your Hotel Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWELVE), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENTY). The play symbols and their captions located in the "House Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWELVE), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY) and Train Engine Symbol (PA-RR).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "House Numbers" area are: \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$2,000 (TWO THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$3, \$4, \$5, \$10, \$25, \$50, \$100, \$200, \$2,000 and \$20,000. The player can win up to ten times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Monopoly '99 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$20,000 (TWY THO) appears under the matching "House

Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$2,000 (TWO THO) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "House Numbers" play symbols is a Train Engine Symbol (PA-RR), and a prize play symbol of \$25\$ (TWY FIV) appears under the Train Engine Symbol (PA-RR) on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the "Your Hotel Numbers" play symbols and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets upon which any one of the "House Numbers" play symbols matches either of the

"Your Hotel Numbers" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "House Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>If Your Hotel Number(s) Matches Any House Number(s) Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$2	\$2	1:7.14	705,600
\$2 × 2	\$4	1:25	201,600
\$4	\$4	1:75	67,200
\$2 + \$3	\$5	1:93.75	53,760
\$5	\$5	1:375	13,440
\$2 × 3 + \$2 × 2	\$10	1:375	13,440
\$4 × 2 + \$2	\$10	1:375	13,440
\$5 × 2	\$10	1:750	6,720
\$10	\$10	1:750	6,720
PA Railroad Symbol	\$25	1:50	100,800
\$5 × 10	\$50	1:6,000	840
\$10 × 4 + \$5 × 2	\$50	1:6,000	840
\$50	\$50	1:6,000	840
\$10 × 10	\$100	1:12,000	420
\$50 × 2	\$100	1:12,000	420
\$100	\$100	1:12,000	420
\$50 × 4	\$200	1:60,000	84
\$50 × 2 + \$100	\$200	1:120,000	42
\$100 × 2	\$200	1:120,000	42
\$200	\$200	1:120,000	42
\$200 × 10	\$2,000	1:840,000	6
\$2,000	\$2,000	1:1,260,000	4
\$2,000 × 10	\$20,000	1:840,000	6
\$20,000	\$20,000	1:1,680,000	3

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Monopoly '99 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Monopoly '99, prize money from winning Pennsylvania Monopoly '99 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Monopoly '99 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Monopoly '99 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-1255. Filed for public inspection July 30, 1999, 9:00 a.m.]

### The Money Game Instant Lottery Game

[Correction]

An error occurred in the document regarding the rules for the new lottery game which was published at 29 Pa.B. 3785, 3787 (July 17, 1999). A dollar sign was missing in the table that set forth the approximate number of winners, amounts of prizes, and the approximate odds of winning. The correct version of the table is as follows with ellipses referring to the existing text:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,840,000 Tickets</i>
	* * * * *		
G1-\$2 + G2-\$4 + G3-\$2	\$8	1:1,500	2,560
G1-\$4 x 2	\$8	1:1,500	2,560
G3-\$3 + \$5	\$8	1:1,500	2,560
G1-\$8	\$8	1:1,500	2,560
G2-\$8	\$8	1:1,500	2,560
G3-\$8	\$8	1:1,500	2,560
G1-\$4 + G2-\$2 + G3-\$2 x 2	\$10	1:300	12,800
G3-\$5 x 2	\$10	1:1,500	2,560
G1-\$10	\$10	1:1,500	2,560
G2-\$10	\$10	1:750	5,120
G3-\$10	\$10	1:1,500	2,560
G1-\$4 x 2 + G2-\$4	\$12	1:750	5,120
G1-\$12	\$12	1:750	5,120
G2-\$12	\$12	1:1,500	2,560
G3-\$12	\$12	1:1,500	2,560
G3-\$2 + \$3 + \$10	\$15	1:750	5,120
	* * * * *		

[Pa.B. Doc. No. 99-1146. Filed for public inspection July 16, 1999, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Property No Longer Needed for Transportation Purposes

The Department of Transportation under 71 P. S. 513(e)(7) intends to sell certain property by the Department at Absolute Auction.

The property is a row home located at 875 Foulkrod Street in the City of Philadelphia. The property was formerly owned by the Estate of Harry J. Connelly. The improvement is a row home having 1176 square feet containing 3 bedrooms; 1 bath; L/R; D/R; kitchen; basement and garage. The lot contains approximately 1767 square feet.

The Parcel is further identified as Parcel 52 on the Commonwealth Highway Plans of L.R. 1080-1. The Department has determined that this land is no longer needed for present and future transportation needs. The appraised value is \$27,000.00.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-1256. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Finding

#### Tioga County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to make improvements to portions of State Road 4035 Section 009 in Charleston Township, Tioga County. The improvements consist of the replacement of the existing one span,

concrete decked, steel I-beam bridge carrying State Route 4035 over Catlin Hollow Creek.

As part of this project, 0.026 hectares (0.064 acres) of right-of-way and three trees are required from the Crossen Farmstead, which is located within the limits of this project. The proposed project will have No Adverse Effect on the Crossen Farmstead, which has been determined eligible for the National Register of Historic Places. There is no feasible and prudent alternative to the usage of the historic resource.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-1257. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Retention of Engineering Firms

#### Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties Project Reference No. 08430AG2382

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties. The Contract will include roadway and bridge construction permit projects, and material plant inspection. The Contract will be for a period of thirty-six (36) months, with a maximum cost of \$500 thousand.

It is anticipated that a maximum supplementary construction inspection staff of twenty-five (25) inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, drainage, CDS, wetlands, CPM schedule monitoring, and plant inspection.

b. Understanding of Department's requirements, policies, and specifications.

c. Number of available inspectors in each payroll classification.

d. Number of NICET and NECEPT certified inspectors in each payroll classification.

e. Ability to provide CPM scheduling.

f. Past Performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1)	1 (1)
(NICET Highway Construction Level 4 or equivalent)	
Transportation Construction Ins. Super. (TCIS)	7 (5)
(NICET Highway Construction Level 3 or equivalent)	
Transportation Construction Inspector—Materials (TCI-Materials)	4 (3)
(NICET Highway Materials Level 2 or equivalent)	
Transportation Construction Inspector (TCI)	13 (8)
(NICET Highway Construction Level 2 or equivalent)	

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The number(s) in parenthesis above also indicate the number of inspectors in each classification that must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as a Field Technician for TCM-1, TCIS, and TCI and as a Plant Technician for TCI-M.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-Materials)	\$36.55
(TCI)	\$35.47

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; provide inspection of work being performed under Highway Occupancy Permits, at material producing plants, and of utility construction, and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	10
TCI-M	6
TCI	18

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).



The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer  
Engineering District 9-0  
1620 North Juniata Street  
Hollidaysburg, PA 16648

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vincent L. Dodson, P.E., District 9-0, at (814) 696-7137.

#### General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the

firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-1258. Filed for public inspection July 30, 1999, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Proposed Settlement under the Hazardous Sites Cleanup Act

#### Crown Industries HSCA Site Lackawaxen Township, Pike County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), has entered into a proposed consent adjudication regarding the Department's costs incurred for response activities at the Crown Industries HSCA Site (Site). This proposed consent adjudication has been entered into with Schilberg Integrated Metals Corporation (SIMCO), a defendant in *Commonwealth of Pennsylvania, Department of Environmental Protection v. Crown Recycling and Recovery, Inc., et al.*, 92-429-CP-MG (PA Environmental Hearing Board).

The Site was utilized as a metal processing facility and metal salvage yard from the early 1960's until approximately 1988. During that time frame the Site became contaminated with various contaminants, most notably heavy metals, dioxin and PCBs. To address the threat posed by onsite contamination, the Department has conducted two interim responses and a remedial response at the Site.

The settlement referenced above would resolve certain potential claims of the Department solely against SIMCO for reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act 35 P. S. §§ 6020.101—6020.1304). Under the terms of the consent adjudication, SIMCO will pay the Department \$700,000 over a period of 5 years in reimbursement of past response costs.

This notice is provided under Section 1113 of HSCA (35 P. S. § 6020.1113) and 25 Pa. Code § 1021.120(d). The proposed consent adjudication is subject to final approval by the Department and the Environmental Hearing Board. The Environmental Hearing Board may schedule a hearing prior to taking action on the proposed consent adjudication. Under 25 Pa. Code § 1021.120(d), any appeal of the proposed consent adjudication must be to Commonwealth Court within 30 days of the date of the Environmental Hearing Board's action. The proposed consent adjudication containing the specific terms of the proposed settlement is available for public review and comment. The proposed consent adjudication can be examined from 8 a.m. to 4 p.m. at the Department's Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18711-0790. Persons wishing to examine the proposed consent adjudication should contact Woodrow Cole at (570) 826-2511 or through the AT&T Relay Service at (800) 654-5984 (TDD). The proposed consent adjudication is also available at the office of the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. Interested parties may telephone the Environmental Hearing Board at (717) 783-3483 or through the AT&T Relay Service at (800) 654-5984 (TDD). Under Section 1113 of HSCA (35 P. S. § 6020.1113), a public comment period on the proposed consent adjudication will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent adjudication to the Department by September 29, 1999, by submitting them to Woodrow Cole at the above address.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 99-1259. Filed for public inspection July 30, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Closure of Colyer Lake, Centre County

The Fish and Boat Commission (Commission) will temporarily close Colyer Lake to all public access and use from September 15, 1999, until June 17, 2000. The Commission is closing Colyer Lake to public use so that it

may draw down the lake. This draw down is needed to expose sufficient area of the lake bottom for the application of lime. Closing the lake to harvest will protect fish stocks while they are concentrated in a very small area of the lake and during the first spawning season after the lake is refilled.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-1260. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Closure of Tamarack Lake, Crawford County

Tamarack Lake shall be closed to all public access and use until June 16, 2001. Tamarack Lake, a 562-acre lake, is located near Meadville, Crawford County. The Fish and Boat Commission (Commission) drained the lake this spring to facilitate repair work at both outlet structures, and the Commission could begin restocking certain species as early as late summer. To give stocked fish adequate opportunity to become established and to take advantage of excellent growth with the "new lake effect," the Commission is closing the lake until the opening of bass season in 2001.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-1261. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Special Designations

The Executive Director, acting under the authority of 58 Pa. Code § 65.21 (relating to waters limited to specific purposes—exclusive use areas), designates a 2,000-foot section of Powers Run, Elk County, that passes through the property of the St. Marys Sportsmen's Club as being for the exclusive use of children 12 and under.

The Executive Director designates a 450-foot section of Deep Creek, Schuylkill County, beginning at the upstream side of Schuylkill County Bridge No. 111, along Hubley Township Road 450, and extending downstream for 450 feet, as being for the exclusive use of both children 12 and under and special populations.

These designations shall be effective when the waters are so posted after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-1262. Filed for public inspection July 30, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing commit-

tees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
57-203	Pennsylvania Public Utility Commission Annual Resource Report Filing Requirements (29 Pa.B. 2025 (April 17, 1999))	7/16/99	6/16/01
16A-626	State Board of Examiners of Nursing Home Administrators Fees (29 Pa.B. 2582 (May 15, 1999))	7/16/99	6/14/01

**Pennsylvania Public Utility Commission Regulation  
No. 57-203**

**Annual Resource Report Filing Requirements**

**July 16, 1999**

We have reviewed this proposed regulation from the Pennsylvania Public Utility Commission (PUC) and submit for your consideration the following objections and recommendations. Section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to protection of the public health, safety and welfare; economic impact; and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulations.

**1. Section 57.141. General.—Protection of the public health, safety and welfare; and Clarity.**

The existing regulation requires a public utility to submit an Annual Resource Planning Report (ARPR) to the PUC. Section 57.141(a) of this proposal replaces the term "public utility" with "electric distribution company" (EDC). Chapter 28, adopted in Act 138 of 1996, included provisions under which an EDC is obligated to serve customers. In the deregulated market, EDCs are frequently, but not always, the provider of last resort. We understand that deregulation has resulted in a number of electric generation suppliers (EGSs), as well as smaller subsidiaries of EDCs and EGSs acting as providers of last resort.

Does the PUC plan to gather similar data from providers of last resort that are not EDCs? The PUC should explain how it will ensure that the customer demands will be met in cases where the provider of last resort is not an EDC.

The same section requires that the ARPR be submitted on May 31. The report will contain information pertaining to the current year. "Current year," as defined in subsection (b), is "the year in which the filing is being made."

This is unclear, and should be revised to read, "the calendar year preceding the year in which the filing is made."

**2. Section 57.142. Forecast of energy demand, peak load and number of customers.—Clarity.**

Subsection (b)(2)(i) requires data for both summer and winter seasons. No definition exists for either term in this section. The existing definition, "the summer season being June through September and the winter season being December through March," is deleted from § 57.146(a). We recommend inserting the definition in § 57.141.

**3. Section 57.143. Existing and planned generating capability.—Clarity.**

Section 57.143(b) requires that the ARPR contain a synopsis of major occurrences including a number of different entries, as well as "any other pertinent information." We request that this phrase be clarified to reflect that the other pertinent information is related to major occurrences.

**4. Section 57.145. Cogeneration and independent power production.—Clarity.**

There is no definition of "independent" contained in this section. We recommend a cross-reference to the definition of the term in § 57.31.

**5. Section 57.151. New generating facilities and expansions of existing facilities.—Economic impact; Protection of the public health, safety and welfare.**

This existing section is deleted in this proposal. It included detailed reporting of information regarding planned construction and operation of facilities. Instead, planned generating capability is added to requirements in § 57.143 (relating to existing and planned generating capability). We agree that the amount of detail in the current § 57.151 is not necessary. However, we question why the PUC has not retained any requirement for reporting of generating units scheduled to be removed. We request the PUC explain how the proposal will provide complete information on available generating facilities without considering units which will be going out of service.

**6. Report format.—Clarity.**

The current regulation lists formats for the ARPR. The revised rulemaking contains no information regarding formats. Commentators and the PUC have noted that ARPR forms have yet to be revised or developed.

The PUC should develop or revise, as necessary, forms consistent with the new reporting requirements. These forms should be ready for distribution at the time of the submittal of the final-form rulemaking.

**State Board of Examiners of Nursing Home  
Administrators**

**Regulation No. 16A-626**

**Fees**

**July 16, 1999**

We have reviewed this proposed regulation from the State Board of Examiners of Nursing Home Administrators (Board) and submit for your consideration the following objections and recommendations. Section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to fiscal impact and clarity. We recommend

that these Comments be carefully considered as you prepare the final-form regulations.

### Section 39.72. Fees.—Fiscal impact and Clarity.

#### *Administrative overhead costs*

In the proposed regulation's fee report forms, there are significant differences in the costs covered by different fees except for administrative overhead costs. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead cost for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 7.1(a) of the Nursing Home Administrators License Act (63 P. S. § 1107.1(a)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

#### *Differing overhead costs*

The administrative overhead costs for all fees are \$10.41, except for the certification of scores and verification of licensure or temporary permit, which are \$9.76. The Board should explain why the administrative costs for certification of scores and verification of licensure or temporary permit are different.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1263. Filed for public inspection July 30, 1999, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

#### *Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-107	Department of Agriculture Food Employee Certification	7/19/99

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
34-63	Pennsylvania Horse Racing Commission Rules of Racing	7/19/99
11-151	Insurance Department Collision Loss Settlements	7/20/99
11-190	Insurance Department Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts	7/20/99

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1264. Filed for public inspection July 30, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Mutual-to-Stock Conversion; Millers Mutual Insurance Company

Millers Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company, has submitted a Plan of Conversion which provides for conversion from a mutual property insurance company to a stock property insurance company and for the formation of a mutual holding company. The filing was made under the Mutual-to-Stock Conversion Act, 40 P. S. § 911-A *et seq.*

Any interested persons wishing to comment on the filing whether on grounds of public or private interest are invited to submit written comments to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the person submitting the comment, identification of the filing to which the comment is addressed, and a concise statement in sufficient detail to inform the Insurance Department of the nature of the comment. All comments received will be shared with the applicant company, which will respond. The Department will review all information and comments received and will determine whether the application complies with the pertinent provision of the Mutual-to-Stock Conversion Act.

Written comments should be directed to Michael Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, FAX 717-787-8557, or on the Internet using <http://www.mgraeff@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1265. Filed for public inspection July 30, 1999, 9:00 a.m.]

### United Services Automobile Association; USAA Casualty Insurance Company; Pennsylvania Personal Auto Manual; Rate Filing

On July 15, 1999, the Insurance Department received from United Services Automobile Association and USAA Casualty Insurance Company a filing for a rate level change for private passenger automobile insurance.

Each company requests an overall 6.6% decrease in premium amounting to a combined annual effect of -\$6.7 million, to be effective November 30, 1999.

Unless formal administrative action is taken prior to September 13, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-1266. Filed for public inspection July 30, 1999, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine & Spirits Shoppe #5114, 8854 Frankford Avenue, Philadelphia, PA 19136-1313

*Lease Expiration Date:* October 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,200 net useable square feet of new or existing retail commercial space in Philadelphia on Frankford Avenue 1 mile North or South of Academy Road.

*Proposals due:* August 20, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Jefferson County, Wine & Spirits Shoppe #3301, 160 Main Street, Brookville, PA 15825-1234

*Lease Expiration Date:* August 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Brookville area.

*Proposals due:* August 20, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Armstrong County, Wine & Spirits Shoppe #0303, 163 3rd Street, Leechburg, PA 15656-1261

*Lease Expiration Date:* August 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Penn-

sylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Leechburg area.

*Proposals due:* August 20, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Berks County, Wine & Spirits Shoppe #0617, Tulpehocken Village Shop, 430 N. 3rd Street, Womelsdorf, PA 19567-9701

*Lease Expiration Date:* October 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,900 to 3,400 net useable square feet of new or existing retail commercial space within one-half mile of the intersection of US Route 422 and PA Route 419 in the Borough of Womelsdorf or the Townships of Marion and Heidelberg.

*Proposals due:* August 13, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Ronald Hancher, (717) 657-4228

Clarion County, Wine & Spirits Shoppe #1604, Knox, PA 16232-0460

*Lease Expiration Date:* August 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 net useable square feet of new or existing retail commercial space serving the Knox area.

*Proposals due:* August 20, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

JOHN E. JONES, III,  
Chairperson

[Pa.B. Doc. No. 99-1267. Filed for public inspection July 30, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before Aug. 23, 1999, as set forth at 52 Pa. Code

§ 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-00111575, Folder 5000. Stella Cab Co.** (13041 Blakeslee Court, Second Floor, Philadelphia, Philadelphia County, PA 19116), a corporation of the Commonwealth of Pennsylvania—for approval of the transfer of 100 shares of issued and outstanding stock from Tatyana Avdzhyan to Nina Goldstein involving two Philadelphia medallions at A-00111575, F. 1, P-285 and F. 2, P-535. *Attorney:* Brendan M. McGinley, 329 South 16th Street, Philadelphia, PA 19102.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00116054, Folder 3. Alexa Cab Co., t/d/b/a Town & Country Limo Service** (329 South 16th Street, Philadelphia, Philadelphia County, PA 19102), a corporation of the Commonwealth of Pennsylvania—additional right—persons in limousine service, between points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Brendan M. McGinley, 329 South 16th Street, Philadelphia PA 19102.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00116034. Millcreek Paramedic Service, Inc.** (3608 West 26th Street, Erie, Erie County, PA 16506), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the county of Erie, and from points in said county, to points in the counties of Crawford, Warren, Mercer, Venango, Forest, Lawrence, Allegheny, Westmoreland, Fayette, Butler, Armstrong, Clarion, Beaver, Washington and Greene, and vice versa.

**A-00116059. Donnie Alphonso Williams** (311 East Washington Street, Chambersburg, Franklin County, PA 17201)—persons upon call or demand between points in the borough of Chambersburg, and points within an airline distance of 25 statute miles of the limits of said borough.

Public Meeting held  
January 28, 1999

*Commissioners Present:* Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.

*Pennsylvania Public Utility Commission v. Richard L. Edmondson, Jr., d/b/a Safe Way Moving, 416 South Hanover Street, Apartment 2, Carlisle, PA 17013; C-00981692*

**Order**

*By the Commission:*

On August 12, 1998, the Bureau of Transportation and Safety instituted a complaint against Richard L. Edmondson, Jr., d/b/a Safe Way Moving, alleging respondent advertised to provide a moving service and trans-

ported household goods for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the Bureau of Transportation and Safety would request the Commission to enter an order imposing a penalty.

The complaint and notice were served on respondent on September 3, 1998; and, more than thirty (30) days later, no response has been received from respondent.

*Therefore, It Is Ordered:*

1. That the allegations in the complaint are admitted.
2. That the complaint is sustained.

3. That respondent, within twenty (20) days from the date of service of this order, pay a fine of one thousand two hundred fifty dollars (\$1,250.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315.

4. That respondent cease and desist from further violation of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1268. Filed for public inspection July 30, 1999, 9:00 a.m.]

**Wastewater Service  
Without Hearing**

**A-230082. Elephant Walk Sewer Company.** Application of Elephant Walk Sewer Company for approval to begin to offer, render, furnish or supply wastewater service to the public in Bedminster Township, Bucks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before August 16, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Elephant Walk Sewer Company

*Through and By Counsel:* James P. Melia, Esq., Kirkpatrick & Lockhart LLP, 240 North Third Street, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1269. Filed for public inspection July 30, 1999, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210087. Elephant Walk Water Company.** Application of Elephant Walk Water Company for approval to begin to offer, render, furnish or supply water service to the public in Bedminster Township, Bucks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

applicant on or before August 16, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* Elephant Walk Water Company

*Through and By Counsel:* James P. Melia, Esq., Kirkpatrick & Lockhart LLP, 240 North Third Street, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1270. Filed for public inspection July 30, 1999, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

### Reader's Guide

#### Legal Services & Consultation—26

① Service Code  
Identification Number

② Commodity/Supply or  
Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract  
Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705



## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

### Commodities

**8250630** Motor vehicles, trailers and cycles—6 each latest model 3/4 ton pickup truck, full size, with automatic transmission, cruise control, air conditioning 8' bed, gasoline engine and cloth interior.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8250620** Construction, mining, excavating and highway maintenance equipment—12 each plow, power angle 12' dual taper cylinder. For copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8250610** Motor vehicles, trailers and cycles—11 each latest model 1/2 ton truck, full size, gasoline engine with extended cab, automatic transmission, air conditioning and yellow exterior paint color. For copy of the bid fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8250600** Motor vehicles, trailers and cycles—7 each latest model cargo van, full size, heavy duty, diesel engine with windows and 5 passenger seating. For copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8250490** Agricultural machinery and supplies—2 each latest model tractor/mower, municipal with blower, plow, rear flail and boom arm attachment. For copy of the bid fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1706118** Textiles—40,000 yards twill, color: snow white Pantone 11-0602TP. For copy of the bid fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Correctional Industries, Huntingdon, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**1025119** Textiles—10,000 yards Raeford uniform fabric Style No. 573-561 or approved equal. For copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Correctional Industries, Bellefonte, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8504990** Engines, turbines and components—700 each motor, hydraulic spinner 3 cubic inches, for use on tailgate spreader; 500 each auger, screw, universal 6" o.d.; 300 each bearing, spreader 1"; 650 each bearing, spreader 1 1/4". For copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**CW 20-99** 120 each, raincoats, reversible, Blauer model 9690 Hi-Vis.

**Department:** State Police  
**Location:** Clothing Warehouse, 20th and Herr Streets, Harrisburg, PA 17103  
**Duration:** Indefinite  
**Contact:** Robert D. Stare, (717) 705-5921

**1100229** Paper and printing—175M printing 1999—2000 Boating Handbook. For copy of the bid fax request to (717) 787-0725.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**6009-0172** The low scrap blanking die shall manufacture blanks nominal 4" x 7" with mounting holes per SAE J686 specification. Dies shall be designed and built to handle coil steel strip in a nominal width of 7-1/0". Dies shall be equipped to punch holes, radius corners and cut off. Punching, radius and cut-off components shall be made of D2 alloy tool steel except male punch, which shall be made of M3 alloy tool steel. All shall be heat treated for maximum life and shall be rigidly attached to the die set. Round hole punches and dies shall be readily replaceable and completely interchangeable. Male and female corner radius and cut-off die steels shall both be one piece and precision built. A solid stripper plate, as well as a floating clamp plate, shall be a part of the die; stock guides shall be adjustable to accommodate nominal variation in width of stock. Dies shall be built in four-pin leader pin die sets selected to fit appropriate OBI press. Dies shall be reversible stop block to operate with plain or graphic sheeting. One extra set of punches and die buttons shall be included with the die. To obtain the specifications and a bid package contact Vincent Mantella, Manager at (412) 761-1955, ext. 302.

**Department:** Corrections  
**Location:** TAC Plant, State Correctional Institution at Pittsburgh, P. O. Box 99901, 3001 Beaver Avenue, Pittsburgh, PA  
**Duration:** 120 days  
**Contact:** Vincent Mantella, Manager, (412) 761-1955, ext. 302

**8176250** Paper and printing—3,000 each Pub 372 Municipal Services Guide for Road Construction. For copy of the bid fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8250390** Miscellaneous—6 each Board, message, solar, trailer mounted. For copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**8250500** Construction, mining, excavating and highway maintenance equipment—3 each latest model snow blower for use as an attachment on a Komatsu Model WA320-3 loader, 3 c. y. class, 2,000 tons per hour capacity. For copy of the bid fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** General Services, (717) 787-2199/4705

**E-1314** Purchase Package Plant Model Ultraviolet Unit for a flow of 400,000 gallons per day for the Sewage Plant at the Embreeville Center, Coatesville, PA 19320. Unit to include S.S. Channel with built in weir and UV rack, four lamp UV modules, and one operator kit. To receive specifications, submit fax to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, fax (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** Indeterminate 1999—2000  
**Contact:** Beverly O. Epting, (610) 562-6031

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## SERVICES

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### Advertising—01

**X6554** Provide approximately 3,500 recycled tote bags with imprinting for the Department of Environmental Protection.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** Must be delivered by September 20, 1999  
**Contact:** Dawn Levarto, (717) 787-9645

### Barber Services—05

**5247** Contractor, licensed by the Pennsylvania Board of Cosmetology, to provide professional beautician services to approximately 130 female clients of Torrance State Hospital.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** September 01, 1999—June 30, 2001  
**Contact:** Linda J. Zoskey, Purchasing Agent, (724) 459-4547

### Computer Related Services—08

**RFQC-1999-PSP1** The Pennsylvania State Police will be releasing an RFQC (Request for Qualified Contractor) for a Systems Integrator on July 29, 1999. The RFQC document will be available through a download found on the PSP Web Site at <http://www.psp.state.pa.us> (follow IIMS links). A preproposal conference will be conducted on August 6, 1999 at 9 a.m. at the Sheraton Inn, 800 East Park Drive, Harrisburg, PA. Attendance at the conference will be restricted to not more than four representatives per vendor. Interested vendors must RSVP their intention to participate in the preproposal conference no later than August 3, 1999. Responses shall be directed to the IIMS Project Manager, Ron Wilt, at [ronwilt@psp.state.pa.us](mailto:ronwilt@psp.state.pa.us).

**Department:** State Police  
**Location:** Statewide  
**Duration:** To be determined  
**Contact:** Captain Darrell G. Ober, (717) 657-4231

### Construction and Construction Maintenance—09

**025003** This contract will provide manpower, equipment and incidental guide rail material for installation of approximately 20,000 linear feet of strong post guide rail at various locations throughout McKean County. All guide rail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotation brackets, bridge connection plates, anchor bolts, concrete for end treatments and end anchorages. It will be the contractor's responsibility to pick up the material and deliver to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guide rail locations, and sites to be determined where the guide rail material will be stored. The Department shall be responsible for removal of all existing guide rail and for any grading of shoulder stabilization prior to the placement of the guide rail by the contractor. Request for bid packages must be received by fax at (814) 465-3186 Attn: Warren. Regulations for PA Prevailing Wage Act applies to this contract.

**Department:** Transportation  
**Location:** Engineering District 0250, various locations within McKean County, PA  
**Duration:** One year  
**Contact:** Warren Buchanan, (814) 465-7754

**90872016** Paving roads, parking areas and service entrances at Danville State Hospital. Site visit required. To obtain bid information contact Pamela Bauman, Purchasing Agent at (570) 271-4578.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin September 15, 1999—November 30, 1999  
**Contact:** Pamela Bauman, Purchasing Agent, (570) 271-4578

**029 Parking Lot Expansion** Parking lot expansion located at Pennsbury Manor, Morrisville, PA. Scope of work to include application of ballast and finish materials over geo-tech fabric. Call Pennsbury Manor for specifications at (215) 946-0400.

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067  
**Duration:** 90 days  
**Contact:** Joseph Cameli, (215) 946-0499

**015DGS948-41IN3** Project title: Telecommunications for the Keystone Building Project. Brief description: The package consists of, but is not limited to, the following work: Provide complete voice/data systems, audio/video and CATV systems, pathways, ups and grounding. Estimated range: \$2M—\$3M. Electrical construction. Plans deposit: \$250 for one set. Payable to: CRSS Constructors. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 calendar days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check in the amount of \$15 payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased from Reliance Reprographics, Inc. Mail requests to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100, fax (610) 821-5420. Intent to Quote Due Date: Monday, August 16, 1999 at 2 p.m. Online Bid Date: Monday, September 13, 1999 at 10 a.m. A prebid conference has been scheduled for Monday, August 2, 1999 at 2 p.m. at the Department of General Services, 18th and Herr Streets, Harrisburg, PA. Meeting to be held in the Corporate Board Room. Contact: Ron Kurduski, (717) 233-7507. The Prime Contract will be bid online. All bidders will receive an Intent to Quote (ITQ) with the contract documents. The Department, the Construction Manager and the Professional will review the ITQs and prequalify the bidders. Prequalified bidders will be notified no later than Monday, August 30, 1999. Qualified bidders will then receive the computer software necessary to participate in the online bidding. Special Note: The bidding contractors are required to submit qualifications with the ITQ as referenced in the ITQ form and the project General Conditions. Failure to submit the required qualification information with the ITQ shall constitute grounds for immediate rejection of the ITQ. The Department reserves the right to reject any ITQ proposal due to any irregularities and/or missing information.

**Department:** General Services  
**Location:** Keystone Building Project, Harrisburg, Dauphin County, PA  
**Duration:** 655 calendar days from preconstruction conference date  
**Contact:** CRSS Constructors, (717) 233-7507

**015DGSA 574-32** Project title: Replacement Windows. Brief description: Remove existing windows and replace with high security windows in Sones Housing Unit. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, August 18, 1999 at 2 p.m.

**Department:** General Services  
**Location:** State Correctional Institution Muncy, Lycoming County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-015-598** Relocate an existing bridge superstructure and construct a new steel/timber superstructure. (Excavation, AASHTO No. 1 and 10, and PennDOT 2RC aggregates, steel beams, wood decking and handrail).

**Department:** Conservation and Natural Resources  
**Location:** Forest District No. 15 and Lyman Run State Park, West Branch Township, PA  
**Duration:** Complete all work by December 31, 1999  
**Contact:** R. P. Stakem, (717) 787-5055

**015DGS403-66** Project title: Renovation of Biddle Hall. Brief description: Work includes renovations to existing building, consisting of hazardous material abatement, demolition, concrete, masonry, metals, carpentry, roofing, flashings, sealants, doors, windows, finishes, specialties, elevator, HVAC, plumbing and electrical work. Estimated range: \$1,000,000 to \$2,000,000. General, HVAC, plumbing and electrical construction. Plans deposit: \$80 per set. Payable to: SRK Architects, P.C. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$20 per set or provide your express mail account number to the office listed. Mail requests to: SRK Architects, P.C., 1225 Spring Street, Philadelphia, PA 19107, (215) 568-1090. Bid date: Wednesday, August 25, 1999 at 1 p.m.

**Department:** General Services  
**Location:** Cheyney University, Cheyney, Delaware County, PA  
**Duration:** 240 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGSA251-439 Revised Rebid** Project title: Roof Replacement. Brief description: Replace approximately 20,380 sq. ft. of existing roofing material with new E.P.D.M. (fully adhered) membrane roofing system. Clean and repair all roof drains. Estimated range: \$100,000 to \$500,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, August 18, 1999 at 11 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Building Mercer, Mercer County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS588-5 Revised Rebid** Project title: New Security Fence. Brief description: Install approximately 1,400 L. F. of 10 foot high chain link security fencing. Estimated range: \$100,000 to \$500,000. Fencing and paving construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, August 4, 1999 at 1 p.m.

**Department:** General Services  
**Location:** Weaversville Intensive Treatment Unit, East Allen Township, Northampton County, PA  
**Duration:** 135 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**BF 445-101.2** A firm to design and construct a project to mitigate the effects of acid mine discharge to White's Run and an unnamed tributary to the Clarion River in Clarion Township, Clarion County. The objective of the RFP is to design and construct a project to mitigate acid discharges from a mine site that has been restored to original contour but needs revegetation on portions of the surface area and has developed discharges that are polluting White's Run and an unnamed tributary to the Clarion River. For a copy of the Request for Proposal, please contact Ernest Giovannitti, Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P.O. Box 8476, Harrisburg, PA 17105-8476. Faxed requests accepted at (717) 783-7442.

**Department:** Environmental Protection  
**Location:** Clarion Township, PA  
**Duration:** Fifteen months from notice to proceed  
**Contact:** Ernest Giovannitti, (717) 783-2267

## Engineering Services—14

**08430AG2382** An open-end contract to provide supplementary construction inspection staff to perform construction inspection and documentation services on various projects in Engineering District 9-0, that is Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** Thirty-six months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Firefighting Services—18

**CUS 2453** Annual testing and calibration of Kidde automated fire alarm and smoke detection system. An onsite visit is required to inspect the system before submitting a written bid proposal. An appointment may be made by contacting the Institution Safety Manager at (814) 643-6520, ext. 329.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** September 1, 1999 through June 30, 2002  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

## Food—19

**5250** Meat and meat items to be delivered during the months of October, November and December 1999. To obtain bid information contact Nancy E. Byers at (724) 459-4677.

**Department:** Public Welfare  
**Location:** Dietary Storeroom, Torrance State Hospital, S. R. 1014, Torrance, PA 15779  
**Duration:** October—December 1999  
**Contact:** Nancy E. Byers, (724) 459-4677

**No. 003** The bid is for miscellaneous foods (frozen miscellaneous baked goods, miscellaneous entrees, miscellaneous eggs and non-meat items) for October 1999 to December 1999.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** October 1999 to December 30, 1999  
**Contact:** Lois P. Kerbacher, (610) 740-3428

**5248** Miscellaneous frozen foods—To be delivered once each month during the months of October, November and December 1999. To obtain more bid information contact Nancy E. Byers at (724) 459-4677.

**Department:** Public Welfare  
**Location:** Dietary Storeroom, Torrance State Hospital, S. R. 1014, Torrance, PA 15779  
**Duration:** October—December 1999  
**Contact:** Nancy E. Byers, (724) 459-4677

**5249** Poultry items to be delivered once each month during the months of October, November and December 1999. To obtain bid information contact Nancy E. Byers at (724) 459-4677.

**Department:** Public Welfare  
**Location:** Dietary Storeroom, Torrance State Hospital, S. R. 1014, Torrance, PA 15779  
**Duration:** October—December 1999  
**Contact:** Nancy E. Byers, (724) 459-4677

**Inquiry No. 9022** Meat/poultry/fish. To obtain a bid package contact Arletta Ney at (670) 372-5070.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** September 1, 1999 through September 30, 1999  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

## HVAC—22

**00677-008-99-AS-3** Electrical and heating repairs of the Crozier House. Partial restoration of an historic building including the following specialty trades: 1) Electrical: relocate existing light fixtures, alarm system, install new wiring and fixtures. 2) Heating: install radiant steam type element. \*\*All work will conform to the Secretary of the Interior Standards for the Treatment of Historic Properties. A mandatory site visit will be required (anytime before bid due date) with a mandatory sign in. No bids will be accepted by any contractor not making the mandatory site visit and sign in. All interested bidders should submit a request and a \$25 check (nonrefundable) made payable to PHMC for a bid package to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120. Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Bids will be due on Monday, August 23, 1999 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067, (215) 946-0400  
**Duration:** August 1, 1999 to June 30, 2000  
**Contact:** Judi Yingling, (717) 772-2401

**07-H-99** Electrical service provided for the Scranton Job Center, 135 Franklin Avenue, Scranton, PA 18503. Contractor will provide electrical service on an as-needed basis and available on a 24-hour basis.

**Department:** Labor and Industry  
**Location:** Scranton Job Center, 135 Franklin Avenue, Scranton, PA 18503  
**Duration:** October 01, 1999 through September 30, 2001. This is a 2-year contract with one 2-year renewal option  
**Contact:** Beverly Fenton, (717) 787-2560

**07-I-99** HVAC services: Twenty-four hour 7 days per week maintenance coverage for the Labor and Industry Building Environmental System. A mandatory prebid onsite inspection will be scheduled—date and time will be contained in the bid package.

**Department:** Labor and Industry  
**Location:** Bureau of Management Information Services, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120  
**Duration:** October 01, 1999 through September 30, 2002. This is a 3-year contract with one 2-year renewal option  
**Contact:** Beverly Fenton, (717) 787-2560

**Project No. 673** On-call heating services. To obtain a copy of bid contact Emma Schroff at (717) 861-8518.

**Department:** Military Affairs  
**Location:** PAANG Armory, Willow Grove Naval Air Station, Willow Grove, PA  
**Duration:** October 1, 1999—September 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**KUCC-0002** Kutztown University is seeking qualified electrical contractors for the utility relocation and new duct bank for the north addition of the Student Union Building at Kutztown University. Bid packages are available for a nonrefundable fee of \$70 from: RPA Associates, Inc., 3 Park Plaza, Wyomissing, PA 19610, (610) 374-6144. Bid packages are available July 26, 1999 through prebid. A prebid meeting has been scheduled for August 5, 1999 at 10 a.m. in the Office of Planning and Construction. Bids are to be received no later than 2 p.m. on August 19, 1999 in the Office of Planning and Construction, Room 236. Bids will be opened on August 19, 1999 at 2 p.m. Nondiscrimination and Equal Opportunity are policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** The University anticipates issuing the NTP no later than October 15, 1999 with the completion date being January 15, 2000  
**Contact:** Barbara Barish, (610) 683-4602

**SP No. 90670002** The contractor shall provide all labor, materials, equipment, tools and supervision to repair and replace refractory work on the wall of the No. 2 boiler at the Embreeville Center, Coatesville, PA 19320. To receive specifications, submit fax to Beverly O. Epting, Hamburg Center, Hamburg, PA at (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 30 calendar days from award  
**Contact:** Beverly O. Epting, (610) 562-6031

## Lodging/Meeting—27

**519001** The Pennsylvania Department of Transportation is soliciting a conference site and related services to be provided within a 20-mile radius of Harrisburg, PA, for its 2-day management conference scheduled for October 25 and 26, 1999. Approximately 260 attendees are expected to attend. Services required include meals, breaks, a large meeting room, 13 breakout areas, A/V equipment, fax and copier services, and overnight accommodations. To receive a bid package, fax your request to Cindy Mershon Scott at (717) 783-3509. Reference Bid Package No. 519001. Include your name, company name, address, telephone and fax number. To confirm receipt of fax, call Cindy Mershon Scott at (717) 787-5797.

**Department:** Transportation  
**Location:** Within 20-mile radius of Harrisburg, PA  
**Duration:** 3 months  
**Contact:** Cindy Mershon Scott, (717) 787-5797

**22990034** Provide lodging, meals, breaks and conference facilities for 110 Waterways Conservation Officers.

**Department:** Fish and Boat Commission  
**Location:** Altoona, PA area  
**Duration:** January 18, 2000 to January 20, 2000  
**Contact:** Dennis Grove, (717) 657-4533

**SP3890061** Provide lodging, meeting rooms, breaks and meals for the Bureau of State Parks Interpretive Workshop.

**Department:** Conservation and Natural Resources  
**Location:** Within a 20 mile radius of State College, PA  
**Duration:** May 17—21, 2000  
**Contact:** Ruth DeWalsche, (717) 783-0760

## Property Maintenance—33

**SPC 3881419001** Ground application of the herbicides "Round-Up" and "Princep" on approximately 225 acres of reclaimed strip mined land in Jefferson County. To obtain bid information contact Tina Alban at (814) 364-5150.

**Department:** Conservation and Natural Resources  
**Location:** Jefferson County, PA  
**Duration:** August 1, 1999—September 30, 1999  
**Contact:** Tina M. Alban, (814) 364-5150

**07-G-99** Snow removal services for the Scranton Job Center, 135 Franklin Avenue, Scranton, PA 18503. Contractor to provide snow removal services for parking lot, driveway and sidewalks on an as-needed basis.

**Department:** Labor and Industry  
**Location:** Scranton Job Center, 135 Franklin Avenue, Scranton, PA 18503  
**Duration:** October 01, 1999 through April 30, 2001. This is a 2-year contract with one 2-year renewal option  
**Contact:** Beverly Fenton, (717) 787-2560

**00677-008-99-AS-1** Interior restoration of the Crozier House. Partial restoration of an historic building including the following specialty trades: 1) Plaster: three coat system on wood and metal lath. 2) Cabinet and fine carpentry: window restoration and reconstruction, cabinet restoration and construction, custom moldings. 3) Wood flooring—installation and finish and re-finish historic flooring. \*All work will conform to the Secretary of the Interior Standards for the Treatment of Historic Properties. A mandatory site visit will be required (anytime before bid due date) with a mandatory sign in. No bids will be accepted by any contractor not making the mandatory site visit and sign in. All interested bidders should submit a request and a \$25 check (nonrefundable) made payable to PHMC for a bid package to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120. Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Bids will be due on Monday, August 23, 1999 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067, (215) 946-0400  
**Duration:** August 1, 1999 to June 30, 2000  
**Contact:** Judi Yingling, (717) 772-2401

**00674-019-96-AS-1** Restoration of the Tail Race—Project consists of restoration of a reconstructed water powered saw mill hydro-system. Work includes: excavation, installing soil and erosion controls, hydro-seeding. A site visit is strongly recommended. For directions, contact the site at (610) 582-4900. All interested bidders should submit a request and a \$25 check (nonrefundable) made payable to PHMC for a bid package to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120. Attention: Judi Yingling (717) 772-2401 or fax (717) 783-1073. Bids are due on August 23, 1999 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Daniel Boone Museum, 400 Daniel Boone Road, Birdsboro, PA 19508  
**Duration:** August 1, 1999 to June 30, 2000  
**Contact:** Judi Yingling or Mark Heeb, (717) 772-2401

**00677-008-99-AS-2** Interior painting of the Crozier House. Partial restoration of an historic building including the following specialty trades: 1) Painting: interior. \*All work will conform to the Secretary of the Interior Standards for the Treatment of Historic Properties. A mandatory site visit will be required (anytime before bid due date) with a mandatory sign in. No bids will be accepted by any contractor not making the mandatory site visit and sign in. All interested bidders should submit a request and a \$25 check (nonrefundable) made payable to PHMC for a bid package to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120. Attention: Judi Yingling (717) 772-2401 or fax (717) 783-1073. Bids will be due on Monday, August 23, 1999 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067, (215) 946-0400  
**Duration:** August 1, 1999 to June 30, 2000  
**Contact:** Judi Yingling, (717) 772-2401

## Real Estate Services—35

**373883** Proposals are invited to provide the Office of Attorney General with 9,889 useable square feet of new or existing office space in Wilkes-Barre, Luzerne County, PA, with minimum parking for 25 vehicles, within a 1-mile radius of Exits 47, 48 or 49 of Interstate 81. In areas where street or public parking is not available, an additional 25 parking spaces are required. The Bureau of Narcotics Investigation and Drug Control Unit will occupy the space. Proposals due: August 23, 1999. Solicitation No.: 92866.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1999—2000  
**Contact:** Cynthia T. Lentz, (717) 787-0952

## Security Services—37

**07-J-99** Security Guard Services: Provide unarmed, uniformed security guard service during the hours of 8 a.m. to 5 p.m. Monday through Friday, except State holidays for the Unemployment Compensation Referee Office, 444 North Third Street, Second Floor, Philadelphia, PA 19123.

**Department:** Labor and Industry  
**Location:** Unemployment Compensation Referee Office, 444 North Third Street, Second Floor, Philadelphia, PA 19123  
**Duration:** October 1, 1999 through September 30, 2001. This is a 2 year with one 2-year renewal option  
**Contact:** Beverly Fenton, (717) 787-2560

## Miscellaneous—39

**SP No. 90782012** Rental of a 500KW generator, transformer bank and cables. To receive specifications, submit fax to Beverly Epting, Hamburg Center, Hamburg, PA 19526, fax (610) 562-6065.

**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** Anticipated November 1, 1999—January 31, 2000  
**Contact:** Beverly O. Epting, (610) 562-6031

**090-VGL99** The Office of the Chancellor, State System of Higher Education, wishes to secure services of a vendor to administer and provide voluntary group term life and accidental death and dismemberment insurance for State System employees. The vendor must be A+ or better rated throughout the last 5 years and no commission or brokers' fees are payable under this contract. To receive an RFP, call the Office of the Chancellor at (717) 720-4160, e-mail Cheryl Weathers at: weather@mailgate.sshechan.edu or write to Lou Ann Kauffman, Benefits Manager, State System of Higher Education, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110. Final bids must be submitted by 4 p.m. on August 31, 1999.

**Department:** State System of Higher Education  
**Location:** 2986 North Second Street, Harrisburg, PA  
**Duration:** Indeterminate 1999—2000  
**Contact:** Lou Ann Kauffman, (717) 720-4165

**050-316** Install, maintain and remove traffic signals. To be installed on SR 4002 in Monroe County (Long Pond Road). This contract will be a 5-year contract with one 2-year renewal. The Department, however, reserves the right to terminate this contract once the signals are no longer needed. To obtain a bid package contact Bill Bellas at (610) 798-4190.

**Department:** Transportation  
**Location:** SR 4002 in Monroe County Segment 0140 Offset 0000  
**Duration:** Five years from effective date plus one 2-year renewal  
**Contact:** Bill Bellas, (610) 798-4190

**SP 3881049002** Site preparation and installation for woven wire deer fence around two sites in the Laurel Mountain Division of the Forbes State Forest. The sites are located in: Site 1—Jefferson Township, Somerset County. Site 2—Ligonier and Cook Townships, Westmoreland County. The sites are approximately a total of 17,600 lineal feet. Both sites are to be bid as one contract.

**Department:** Conservation and Natural Resources  
**Location:** Forbes Forest District No. 4, P.O. Box 519, Laughlintown, PA 15655-0519  
**Duration:** Upon execution of the contract and terminate on November 24, 1999  
**Contact:** Chris Jones, (724) 238-5040

**SP 3881049003** Site preparation and installation for woven wire deer fence around two sites in the Laurel Mountain Division of the Forbes State Forest. The sites are located in Cook Township, Westmoreland County and are approximately 9,625 lineal feet. Both sites are to be bid as one contract.

**Department:** Conservation and Natural Resources  
**Location:** Forbes Forest District No. 4, P.O. Box 519, Laughlintown, PA 15655-0519  
**Duration:** Upon execution of the contract and terminate on November 24, 1999  
**Contact:** Chris Jones, (724) 238-5040

**1193500014** Vendor to supply parts and labor to repair various size electrical motors used at the State Correctional Institution Graterford. Contract is estimated at 500 labor hours for 1 year.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 1 year  
**Contact:** Kelly Richardson, (610) 489-4151

**SP3590006562** Provide consulting and technical assistance for nuclear facility decommission, low level radioactive waste program, and NRC agreement State acquisition. Contractor shall have a facility located within 50 miles of downtown Harrisburg.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** Through June 30, 2000 with options to renew  
**Contact:** Jackie Lincoln, (717) 783-9937

**GRA-SOCKS** The hosiery plant at the State Correctional Institution at Graterford is looking to purchase approximately 48,000 pairs of unfinished (Greige) terry cushion sole or full terry crew socks. Toes to be left unsewn. Delivered to the institution at Graterford.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426, Attn: CI Warehouse  
**Duration:** August 1, 1999 through June 30, 2000  
**Contact:** Rick F. Bower, Manager I, (610) 489-4151, ext. 2289

**5401-99-2** Lime, powdered, hydrated, Type 3, Class 1, bulk.

**Department:** Environmental Protection  
**Location:** Custom Coal Site, Rock Cut Road, Shade Township, Central City, PA 15926  
**Duration:** February 28, 2000  
**Contact:** Phyllis Cocco, (814) 472-1800

**SP-3881139001** Provide materials and installation of woven wire deer fencing as follows: Three fences in the Moon Run, Elk State Forest Timber Sale 13-BC06 in Shippen Township, Cameron County. Fence Area No. 1—Moon Run "A"—4,300 lineal feet perimeter. Fence Area No. 2—Moon Run "B"—7,450 lineal feet perimeter. Fence Area No. 3—Moon Run "C"—6,600 lineal feet perimeter. Also, 11 walk through gates, primed and painted.

**Department:** Conservation and Natural Resources

**Location:** Moon Run, Shippen Township, Elk State Forest, P. O. Box 327,  
Emporium, PA 15834

**Duration:** June 30, 2000

**Contact:** Robert W. Martin, Jr., District Forester, (814) 486-3353

[Pa.B. Doc. No. 99-1271. Filed for public inspection July 30, 1999, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1105-02	07/26/99	PA Police Supply, Inc.	120,350.00
1105-02	07/26/99	Markl	20,000.00
1056119-01	07/20/99	Globe Trading Co.	90,246.00
8176370-01	07/20/99	S. P. McCarl & Co., Inc.	138,811.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 99-1272. Filed for public inspection July 30, 1999, 9:00 a.m.]

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